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October 5, 2007

Office of the Secretary
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW, Room TW-B204
Washington, D.C. 20554

Re: Telecommunications Relay Services Application for Renewal of State Certification
(CG Docket No. 03-123; DA 07-2761)

The Minnesota Department of Commerce-Telecommunications Access Minnesota (DOC-TAM) submits the enclosed application for renewal of the certification for Minnesota's Telecommunications Relay Services (TRS) program by the Federal Communications Commission.

This application will establish, as required by 47 C.F.R. § 64.605 (b), that Minnesota's TRS program (1) "meets or exceeds all operational, technical, and functional minimum standards contained in § 64.604"; (2) "makes available adequate procedures and remedies for enforcing the requirements of the state program, including that it makes available to TRS users informational materials on state and Commission complaint procedures sufficient for users to know the proper procedures for filing complaints"; and (3) where the program "exceeds the mandatory minimum standards contained in § 64.604, the state establishes that its program in no way conflicts with federal law."

DOC-TAM certifies that it has, and will continue to, comply with the Americans with Disabilities Act (ADA) standard relay guidelines, and will oversee its current TRS provider, CSD, to ensure that all requirements are met.

Minnesota Relay outreach materials (Appendix W) are being submitted separately from the electronic filing (ECFS) of Minnesota's TRS Application for Renewal of State Certification. Hard copies of Minnesota Relay outreach material have been submitted via mail to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Attn: Diane Mason
445 12th Street SW, Room 3-A503
Washington, D.C. 20554

Market Assurance: 1.800.657.3602
Energy Information: 1.800.657.3710
www.commerce.state.mn.us

Licensing: 1.800.657.3978
Unclaimed Property: 1.800.925.5668
An Equal Opportunity Employer

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If you have any questions, or require additional documentation, please feel free to contact me.

Sincerely,



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Telecommunications Access Minnesota
Minnesota Department of Commerce
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Telecommunications Access Minnesota Narrative

In 1987, the Minnesota Legislature passed legislation creating the Telecommunications Access for Communication Impaired Persons (TACIP) Board for the purpose of enabling people who have difficulty hearing or speaking on the telephone to talk to standard voice telephone users. Two programs were established to accomplish this goal: Minnesota Relay, which began service on March 1, 1989; and the Equipment Distribution Program (now re-named the Telephone Equipment Distribution Program), which began as a pilot program on October 1, 1988.

The state procedures and requirements regulating Minnesota Relay, the Telephone Equipment Distribution (TED) Program and the Telecommunications Access Minnesota (TAM) fund fall under Minnesota Statute §237.50-.56 and Minnesota Rules, Chapter 8775 (Appendix A).

There have been significant changes and improvements to Minnesota Relay since its early years of operation. In 1995, the Minnesota Legislature eliminated the TACIP Board and transferred the responsibility for Minnesota Relay to the Department of Public Service [the Department of Public Service and the Department of Commerce (DOC) were merged on September 15, 1999. Effective August 1, 2002, the name of the TACIP program was changed to Telecommunications Access Minnesota (TAM)]. The Department of Human Services, Deaf and Hard of Hearing Services Division (DHS-DHHSD), through an interagency agreement with the Department of Commerce, operates the TED Program (Minnesota Statute § 237.51, Subd. 1). The 1995 legislation also provided DHS with the option to establish an advisory board to solicit consumer input regarding Minnesota Relay and the TED Program.

In 1996, after careful consideration of the needs of relay users, the state recognized that it was in the best interest of relay users, telephone ratepayers, and the legislature to relieve the state of the burden of owning TRS equipment. It was apparent that the Minnesota Relay facility and its equipment had become severely outdated and beyond the point of overhaul. The state was faced with two options; spend millions of dollars for the purchase of new equipment, or contract with a qualified TRS vendor to provide continually upgraded equipment and software on a "lease" basis. It was decided that the best way to provide quality and cost effective relay services was to contract with a highly qualified TRS vendor.

On July 1, 1996, the state contracted with Communication Service for the Deaf (CSD) to provide the management and human resources components for the Minnesota Relay, and contracted with Sprint Communications Company, LP (Sprint) to provide the relay facilities, maintenance and access to Sprint's fiber optic telecommunications network. Initially, Minnesota Relay traffic was forwarded to relay centers operated jointly by CSD/Sprint. The Minnesota Relay center, located in Moorhead, began processing calls on December 16, 1996.

Under a separate subcontract, the state and CSD established a Minnesota Relay Consumer Relations Office (CRO) located in St. Paul, MN. CRO staff, consisting of both deaf and hearing outreach specialists, are available to provide presentations, demonstrations and training to any individual, group or organization in Minnesota. The CRO is also responsible for taking and resolving consumer complaints, answering questions regarding relay services, and meeting with relay users to gather information on the quality of available services.

The TRS contracts with CSD and Sprint, as well as the subcontract with CSD for the provision of the CRO, expired on May 31, 2006.

On October 17, 2005, the Minnesota Department of Administration (Admin), on behalf of DOC-TAM, released a Request for Proposals for the provision of statewide Telecommunications Relay Services and associated outreach services. The only proposal received in response to the RFP was from CSD. Receiving a single proposal may be due to Minnesota's statutory requirement that the TRS provider "shall operate the relay service within the state of Minnesota." The proposal was evaluated and the contract was awarded to CSD (with Sprint as a subcontractor).

The contract term began on July 1, 2006, and continues through June 30, 2011, with an option to extend up to an additional 60 months. A copy of Minnesota's TRS RFP is provided in Appendix B. On June 2, 2006, DOC-TAM submitted to the FCC a *Notice of Substantive Change* to Minnesota's TRS program regarding the new Minnesota Relay contract and contract vendor. A copy of the notice is provided in Appendix C.

In accordance with Minnesota Statute §237.55, DOC-TAM must submit an annual report to the PUC by January 31 of each year. Each report must review the accessibility of the telecommunications network by persons who are deaf, hard of hearing, deaf/blind, and speech or physically disabled. In addition, the annual report includes a description of services provided by Minnesota Relay and the Telephone Equipment Distribution (TED) Program, funds received and distributed annually for each component of the program, and plans for future operations. DOC-TAM's annual reports for calendar years 2002 through 2006 are attached in Appendix D.

Minnesota Relay call volume charts are provided in Appendix E. Additional Minnesota Relay statistics may be found in the TAM annual reports provided in Appendix D.

General Minnesota TRS Contract and Service Information

Minnesota's current TRS provider is Communication Service for the Deaf (CSD), with Sprint as a subcontractor. The current TRS contract began on July 1, 2006, and continues through June 30, 2011, with an option to extend up to an additional 60 months.

Contact information for Minnesota's TRS administrator is:

Rochelle Renee Garrow, TAM administrator
Minnesota Department of Commerce
85 Seventh Place East, Suite 600
St. Paul, MN 55101-3165
Phone: 651-296-0412 / 1-800-657-3599 (Voice)
Fax: 651-297-7891
E-mail mn.relay@state.mn.us

Contact information for CSD is:

Jim Skjeveland
Senior Vice President
CSD Contact Center Operations
102 N. Krohn Place
Sioux Falls, SD 57103
Phone: 605-367-5760 (TTY or Voice)
Fax: 605-367-5958
E-mail: jkskjeveland@c-s-d.org

Minnesota's current contracted prices for TRS services are:

1. \$1.72 per conversation minute for basic TRS (including STS and Spanish relay) and associated outreach.
2. \$1.64 per conversation minute for captioned telephone (CapTel) relay service.

Minnesota has an in-state TRS center requirement. Minnesota Statute § 237.54, Subd. 2 states:

- (a) The commissioner of commerce shall contract with a qualified vendor for the operation and maintenance of the telecommunication relay system.
- (b) The telecommunication relay service provider shall operate the relay service within the state of Minnesota. The operator of the system shall keep all messages confidential, shall train personnel in the unique needs of communication-impaired people, and shall inform communication-impaired persons and the public of the availability and use of the system.

Minnesota's current TRS contract requires CSD to process 80 percent of traditional relay calls (TTY, ASCII, Voice, VCO, HCO) at the in-state center located in Moorhead, MN. Currently the Moorhead center handles TRS calls not only for the state of Minnesota, but

calls for other states as well. Approximately 79 percent of TRS calls processed at the Moorhead center are for other states' TRS programs.

Minnesota's TRS contract allows CSD to process Spanish, Speech-to-Speech and captioned telephone (CapTel) relay calls from centers located outside of the state of Minnesota. Currently Spanish calls are handled at CSD/Sprint centers located in Jacksonville, FL, and Lubbock, TX. Minnesota Speech-to-Speech calls are handled at the CSD/Sprint center located in Dayton, OH, and CapTel calls are handled at the Ultratec CapTel center located in Madison, WI.

Forms of Minnesota Relay services include:

1. TTY
2. ASCII
3. Voice
4. Voice Carry Over (VCO)
5. 2-Line VCO
6. Hearing Carry Over (HCO)
7. 2-Line HCO
8. Speech-to-Speech
9. Spanish Language Translation (Spanish Relay)
10. Captioned Telephone (CapTel)
11. 2-Line CapTel

Minnesota Relay does not provide Video Relay Service, Internet Protocol Relay Service or Internet Protocol Captioned Telephone Service.

Applicable contact information for Minnesota Relay is listed below.

Minnesota Relay Telephone Numbers:

- 7-1-1 In-State (voice, TTY, ASCII)
- 1-800-627-3529 (voice, TTY, ASCII)
- 1-877-627-3848 (STS)
- 1-877-627-3024 (VCO Direct)
- 1-866-855-4611 (2-Line VCO)
- 1-877-627-5448 (Spanish)
- 1-900-246-3323 (900 access)
- 1-877-243-2823 (to call a CapTel relay user)

Web Site: www.mnrelay.org

E-mail: mn.relay@state.mn.us

Customer Service Numbers:

- Consumer Relations Office: 651-602-9005 or 1-800-657-3775
- Sprint 24-hour Customer Service: 1-800-676-3777 (Voice/TTY/ASCII)
- Sprint 24-hour Spanish Customer Service: 1-800-676-4290 (Voice/TTY/ASCII)
- Sprint Customer Service E-mail: sprint.trscustserv@sprint.com

CapTel Customer Service: 1-888-269-7477 (Voice) / 1-800-482-2424 (TTY)
CapTel Spanish Customer Service: 1-866-670-9134
CapTel Customer Service E-mail: CapTel@CapTelMail.com

47 C.F.R. § 64.604 – Mandatory Minimum Standards

47 C.F.R. § 64.604 (a) Operational Standards

§64.604 (a)(1) Communications Assistant (CA)

§64.604 (a)(1)(i) TRS Providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communication needs of individuals with hearing and speech disabilities.

Initial training for CAs consists of 80 hours of curriculum, workshops, and exercises to train CAs to effectively meet the specialized communications needs of relay users who are deaf, hard of hearing, late deafened, and speech disabled. Training in the operation of TRS equipment includes both simulated on-line call handling, as well as assisted live call handling.

During the CAs initial training, she/he is trained and evaluated on accurately reflecting the TTY user's intent and on what the CAs role is in the relay process. New hires also receive training in Deaf Culture, ASL translation, and sensitivity to the needs of persons with speech disabilities by a qualified person who, if not deaf or hard of hearing, possesses extensive knowledge in this area.

CAs receive extensive training on how to improve their interpersonal skills so that they can work effectively with difficult and stressful situations that may arise during their employment. Stress can be a factor in maintaining confidentiality. CAs receive three hours of training on healthy detachment.

CAs are taught to process all call types through a combination of lecture, work book activities, role-playing activities and examinations. There are five written examinations administered during training which cover the steps of call processing and ensure that the CA has learned these steps in the proper order. Additionally, two side by side examinations are administered in which two trainees act as the deaf and hearing customer respectively and the third trainee processes the call while the trainer observes and grades to ensure the trainee can process the call correctly. Because of the role-playing aspect of training not only can CAs process calls at the highest possible level of customer satisfaction but they can also understand and can use all types of telecommunications equipment that is used by persons who are deaf, hard of hearing or speech disabled.

Trainees attend a workshop on the translation of written ASL into conversational English. In addition to this workshop there are also two workbooks that new CAs are required to complete within a month of graduation from training. The workbooks are corrected by the CA's Team Leader.

The Minnesota Relay CA's Training Module Outline may be found in the table below.

Customer Benefits	
Module 1	<p>Orientation</p> <ul style="list-style-type: none"> • Objectives • Welcome and Introductions • CSD: Vision, Goals & Values • History of CSD • Relay Agent Training • Call Flow Chart
Module 2	<p>Overview of System and Equipment</p> <ul style="list-style-type: none"> • Objectives • Log In and Log Out Process • Screen Displays • Headset and Volume Control • Modems • Error Correction Function • Keyboard • Macros • Last Typed Macro Feature • English Macro • Spanish Macros • Telephony Terms
Module 3A	<p>Phone Image</p> <ul style="list-style-type: none"> • Objectives • Introduction • How Phone Image is Created • Why Phone Image is Important • Greeting • How Information Is Communicated • Using Conversational Tone • Descriptive Words • Background Noises • Expressing Conversational Tone to TTY • Transparency / Caller Control • Redefining the Agent Role

Module 4	<p>The TTY</p> <ul style="list-style-type: none"> • Overview of a TTY • TTY Etiquette • Closing a Conversation • TTY Practice • Agent Responsibility • Abbreviations and Terms • Typing for the TTY User
Module 5	Call Processing
Module 5A	<p>Connecting to Relay</p> <ul style="list-style-type: none"> • Objectives • Your Role as Agent • Turbocode • Enhanced Turbocode • ASCII • Sprint Relay On-line – Internet • 7-1-1 • Cellular/Wireless
Module 5B	<p>Basic Call Processing Procedures</p> <p>TTY Originated Calls</p> <ul style="list-style-type: none"> • Local, Toll Free and Paid • CA Role Closure • Specific Person, Dept. or Extension Request • No Answer • Busy Signals • Switchboards • TTY – Voice answered TTY • TTY-Voice Call Take Over Procedures • Variations
Module 5C	<p>Directory Assistance</p> <ul style="list-style-type: none"> • Directory Assistance • Variations

Module 5D	Destinations of Traffic <ul style="list-style-type: none"> • Destinations of Traffic • Destinations Not Allowed • Origination and Termination • Multiple State Traffic • Intralata Competition • Sprint International and Sprint National • Harris County Correctional Facilities (Texas) • Marine Calls • Dedicated Relay Numbers • Roaming • 900 Numbers
Module 5E	Answering Machines & Audiotext <ul style="list-style-type: none"> • Record Feature • Voice Answering Machine • Voice to TTY Answering Machine • Information Line • Audiotext • Touch Tone Window • Voice Mail • Privacy Manager/Call Intercept • Pagers/Beepers (TTY - Voice) • Pagers/Beepers (Voice - TTY) • Wyndtell Pagers • Deaf Wireless • Answering Machine Retrieval • Variations
Module 5F	Voice Originated Calls <ul style="list-style-type: none"> • Voice Originated Call Description • Auto Detect Feature • Outbound Answer Types • Local Call Description • Toll Free Description • Paid Call Description • Alternate Carrier-of-Choice Description • Basic Call Processing (Voice - TTY)

Module 5G	Billing Procedures <ul style="list-style-type: none"> • FONcard Description • LEC Card Description • Optional Card Description • Pre-Paid Cards • Collect Calls • Third Party Billing • Immediate Credit • Variations (new)
Module 5H	VCO <ul style="list-style-type: none"> • Voice Carry Over (VCO) • Non-Branded VCO • Branded VCO • No Answer • Busy Signals • VCO Answering Machine • VCO with Privacy Feature • Voice to VCO - VCO Answers • Two Line VCO • Reverse Two line VCO • VCO Call Take Over Procedures • Variations (new)
Module 5I	HCO <ul style="list-style-type: none"> • Hearing Carry Over (HCO) • Non-Branded HCO • Branded HCO • HCO with Privacy Feature • Voice to HCO - TTY Answers • HCO to Voice Answering Machine • HCO No Answer • HCO Busy Line • HCO Call Take Over Procedures • Variations

Module 5J	Alternate Call Types <ul style="list-style-type: none"> • VCO-to-VCO • VCO to TTY • TTY to VCO • VCO to HCO • HCO-to-HCO • HCO to TTY • TTY to HCO • HCO to VCO • Tip-Hint Sheet
Module 5K	Customer Service <ul style="list-style-type: none"> • Functions • Language
Module 5L	OSD Operator Services for the Deaf <ul style="list-style-type: none"> • Functions • OSD to TRS • TRS to OSD

Module 5M	<p>Customer Database</p> <ul style="list-style-type: none"> • Customer Database Description • Customer Notes Window • Main Menu • Name Submenu • Last Number Redial • COC Submenu • InterLata COC • Intralata COC • Billing Method Window • Numbers Submenu • Frequently dialed Numbers - FD • Emergency Numbers - EM • Blocked Numbers • Customer Notes • Preferences • Caller ID • Answer Type • Language Type • Outdial Restrictions • Macros
Module 5N	<p>Emergency Call Processing</p> <ul style="list-style-type: none"> • Emergency Services • TTY Inbound • Voice Inbound • Inbound Disconnects • No Call From Number • Data Retrieval Errors • Transparency • Non Emergency Calls • Emergency Form

Module 50	<ul style="list-style-type: none"> • Variations • Introduction • Static or Poor Connection • Request for Information • Profanity Towards Agent • Request for M or F Agent • Request specific agent • Agent knows customer • Suicide • Abuse • Illegal Calls • Sensitive Topic • CTRL A • Young Children • Changing Agents • Leaving a Message V- TTY Ans V • Repeating Information • Tone Judgments • Request for Relay Number • Restricted Calls • ASCII Detection on Outbound Line • Customer Requests to call Relay Service • Regional 800 • Two calling from numbers • LEC Service Office • Double Letters 	<ul style="list-style-type: none"> • Call Waiting Feature • Conference Calls • Three-Way Calling <p>Request for Calling From Number</p> <ul style="list-style-type: none"> • Hard-of-Hearing Customer Uses Standard Phone • Hard-of-Hearing Customer Answers TTY Line • Call Backs for TTYs • Multiple Calls • Customer Requests agent to Modify Call • Holding for Inbound prior to Outdial • Retrieving messages from TTY Voice Ans Mach • Request for Alternate Language • TTY User Types in Parenthesis • Product Information • Spanish Calls to Minnesota • Spanish Speaking Agents • Voice Customer Hangs Up During a Call • Variable Time Stamp • TTY Customer Hangs Up During a Call • Conversation Being Recorded • TTY Requests Dial Number from Recording • Non Standard TTY Capability • Relaying Internet Characters • Non Supported Baudot Characters • TTY User Does Not Type GA • TTY Screener • Party Line Calls
Module 6	<p>Federal Relay Service - FRS</p> <ul style="list-style-type: none"> • Relay Procedures • Reporting • Requests Macros 	

Module 7	<p>Speech-to-Speech</p> <ul style="list-style-type: none"> • Introduction and History • Description • Characteristics of Customers • Stereotypes • Speech Disabilities • Attributes of Speech-to-Speech Agents • Call Processing • Variations • Emergency Call Processing
Module 8	<p>Healthy Detachment</p> <ul style="list-style-type: none"> • Survival Skills • Relay Traps • Perception • Ways to Reduce Stress • Hospitality • Phrases
Module 9	<p>Healthy Relay</p> <ul style="list-style-type: none"> • Introduction • Ergonomics • Analogy • Stretching Exercises • Agent Reinforcement • Ergonomic Review • Setting Up Workstation • GUAM - Get Up and Move • Ergonomic Relief • Slowing the Customer Down • Overtime • Relaxation
Module 10	<p>Adult Learning</p> <ul style="list-style-type: none"> • Learning Continuum • Dale's Cone of Experience • Elements of Lesson Design • Effective Instruction • Feedback

Module 11	Assessing Performance <ul style="list-style-type: none"> • The Assessment Process Experience • Coaching • Assessment Definitions • Assessment Form
Deaf Culture	Role-Plays

Training Schedule	
Day 1	<ul style="list-style-type: none"> • Welcome Packet/Important Numbers/Confidentiality Forms • Locker Keys/Keycards • Orientation • Building Tour, Lockers, Keycard check, Login Numbers • Training Goals and Expectations • What is Relay? • Video: Making the Right Connection • How We Got Here Module 1 <ul style="list-style-type: none"> • Contract Information • Why we're here. • Skills i.e. Typing, talking, listening, reading • Overview of System and Equipment Module 3 <ul style="list-style-type: none"> • Introduction of Training Workbooks • Preferencing: ADMIN PRESENTATION • How to use a TTY • TTY Overview/Abbreviations • TTY/ASL Introduction • Phone Image Module 2 <ul style="list-style-type: none"> • Descriptive Words/Background Noises • Turbocode • Basic Call Processing Procedures (TTY - Voice) • Observe Calls • Typing Practice/Tests if necessary

Day 2	<ul style="list-style-type: none"> • Weekly Staff Meeting • Headset Orientation • Destination of Traffic/State Differences/900 Calls • Role Play Introduction • Review (TTY - Voice) • TTY - VOICE PRACTICE • Observe Calls • Continue Call Processing (Voice - TTY) • VOICE - TTY PRACTICE • HR - ORIENTATION PRESENTATION (2 hours) • Typing Practice/Tests if necessary
Day 3	<ul style="list-style-type: none"> • Wkly Training Conf Call • Review • Recording Feature • Answering Machines/Answering Machine Retrieval (AMR) • Control D Feature/ Pagers • Voice - TTY Pagers • Voice - TTY Answering Machines • Practice Role Plays • Observe • Review for Test #1 • Typing Practice/Tests if necessary
Day 4	<ul style="list-style-type: none"> • Review • Administer Test #1 • Surveys (TTY - Voice and Voice- TTY)/ Observe • Prepaid Calling Cards • Billing/ Immediate Credit • Deaf Culture • Practice Role Plays • Typing Practice/Tests if necessary

Day 5	<ul style="list-style-type: none"> • Review • VCO - Non-Branded • VCO - Branded • Practice Role Plays • Privacy Feature (VCO) • VCO Answering Machines • Voice to VCO • Two Line VCO • Branding • Desensitization • Practice Role Plays • Observe • Typing Practice/Tests if necessary
Day 6	<ul style="list-style-type: none"> • Review • Changing Agents - Video and Call Takeover Process • Variations • HCO - Non Branded • HCO - Branded • Voice - HCO • HCO Answering Machines • Practice Role Plays • ASL Translation • Observe - Type • HR - BENEFITS (1.5 hrs) • Typing Practice/Tests if necessary
Day 7	<ul style="list-style-type: none"> • Review • Practice Role Plays • Variations • CDB Features • Directory Assistance • Marine • Emergency/ Threats • PRG Review • OSD/ Transfers • Observe - Talk • Typing Practice/Tests if necessary

Day 8	<ul style="list-style-type: none"> • Weekly Training Conf Call • Review • Practice Role Plays - VCO • Final - VCO Surveys/ Observe • ASL Translation • Roaming • Take Calls - sitting with peer • Review for Final Test • Typing Practice/Tests if necessary
Day 9	<ul style="list-style-type: none"> • Review • Alternate Call Types • Practice Role Plays • Adherence/Trades/OT - OA PRESENTATION • Administer Final Test • Overview of Federal Relay • Take FRS Calls - sitting with senior agent • Typing Practice/Tests if necessary
Day 10	<ul style="list-style-type: none"> • Final Review/ Questions & Answers • Detachment • Life After Training • Graduation • Take Calls • Take digital pictures for CSD ID Badge • Complete Typing Tests if necessary • Typing Tests

Once training is complete, the CA's performance is regularly evaluated through individualized monthly surveys. Supervisors use a CA Performance Survey while observing CAs process actual relay calls. The Performance Survey is a comprehensive assessment tool designed to evaluate CA performance on 44 aspects of relay call processing. The Performance Survey addresses, among many aspects of quality relay performance, appropriate grammar, spelling, voice clarity and articulation, typing speed and accuracy, TTY-ASL interpretation, etiquette, language and cultural understanding.

The CA Performance Survey provides a detailed perspective on individual performance and is used as a basis for feedback to the employee; to identify strengths and weaknesses, and for employment and compensation decisions. All CAs are required to meet expectations in all areas of the Performance Survey. If a CA does not meet a specific expectation, additional training and an opportunity for improvement are offered. CAs

who do not satisfactorily improve in a reasonable time are subject to formal corrective action, up to, and including termination of employment.

Quality Assurance Test Calls

To ensure that all CAs are focused on FCC requirements and state contractual commitments, Sprint centers and/or an independent third party quality testing firm has been retained by Sprint to perform a total of 700 test calls. Results are provided on a quarterly basis. Feedback and appropriate guiding performance measures for specific components are addressed with each CA.

Sprint also conducts test calls to ensure CapTel quality at least once a quarter, but often conducts monthly tests of 100 test calls on CapTel.

Relay Program Management and Trainer Test Calls

Additionally, Sprint's Operations department and members of a Relay Program Management Team identify areas of concern based on customer feedback, state feedback, individual survey results and customer contacts. Approximately 300 test calls per month are conducted focusing on the identified monthly call-processing topic. Results are compiled and shared with management.

Supervisors use the test call data to provide continuous performance feedback to CAs and to award incentives and formal recognition for outstanding performance. If performance is less than expected, employees are provided guidance, retraining and practice on an as-needed basis to improve their performance. If progress is not satisfactory, a formal Corrective Action Program involving progressive disciplinary steps is used to further encourage improvement. Employees who fail to achieve and maintain the expected proficiency after exhausting the corrective action steps are subject to termination of employment.

Sprint Relay and a Relay Program Management team also perform test calls for CapTel CAs.

Speech-to-Speech (STS) Specific Training Requirements

In addition to initial training, STS CAs receive eight hours of additional training specifically on Speech-to-Speech relay services. This training is delivered by individuals with professional experience related to speech disabilities and/or by consumer experts. Two training hours are spent specifically on voicing for voice-synthesizer users.

Video and audio tapes featuring Dr. Segalman (founder of STS and a STS consumer) are used to demonstrate a wide range of speech patterns. This ensures that STS CAs are well equipped to meet the specialized needs of STS users. The STS training outline is as follows:

STS Training Outline	
<input type="checkbox"/>	Training Agenda
<input type="checkbox"/>	Minnesota Relay Values and Goals
<input type="checkbox"/>	Scheduling
<input type="checkbox"/>	Work Performance Components <ul style="list-style-type: none"> • Call set up • Confidentiality • Transparency
<input type="checkbox"/>	Participation <ul style="list-style-type: none"> • CA Training • Taking over calls • CA work performance • Make busy to not take calls is unacceptable • Call Focus • Teamwork – support peers
<input type="checkbox"/>	Confidentiality and Transparency <p>Acceptable to:</p> <ul style="list-style-type: none"> • Discuss call speech patterns • Discuss techniques customer uses • Have two CAs on one call if necessary or if customer requests. <p>Unacceptable to:</p> <ul style="list-style-type: none"> • Have conversation regarding information discussed on calls • Discuss customers in general

Speech-to-Speech Training Objectives	
Objectives	<p>After completing training on Speech-to-Speech, the CA will be able to:</p> <ul style="list-style-type: none"> • talk with understanding about the Speech-to-Speech relay. • develop resources available to facilitate high performance. • process all call types available. • probe for information provided by the customer, using appropriate phrases.
Benefits	<p>The Speech-to-Speech module will provide:</p> <ul style="list-style-type: none"> • the CA with information about understanding Speech-to-Speech users and their various communications needs. • (through lectures, videos and observations) the CA with a first hand opportunity to understand the role of a Speech-to-Speech CA in greeting and dealing with Speech-to-Speech customers.
Overview	<ul style="list-style-type: none"> • Upon completion of the Speech-to-Speech module, new CAs will have a basic understanding of processing Speech-to-Speech calls and meeting the needs of a wide variety of disabled relay users.

Captioned Telephone (CapTel) Voice Carry Over Specific Training Requirements

CSD's subcontractor, Sprint, utilizes CapTel, Inc. (a.k.a. CTI), for the CapTel call center based in Madison, Wisconsin.

CapTel CA training includes comprehensive training on the CapTel service workstation equipment and other instruction including some live call handling experience. All prospective CAs are required to meet all of the CTI standards for becoming a CA. These standards include the ability to consistently meet call handling skills such as word-per-minute averages, accuracy averages as well as attendance and attitude standards as set by CapTel management. If, at any time, a prospective CA does not demonstrate the ability to achieve the expected standards they may be removed from the training group and terminated from employment.

All CapTel CAs are tested for competency in typing, grammar, and spelling to ensure skills meet the FCC Guidelines. CapTel CA training provides familiarity with hearing,

deaf, and speech disabled cultures. A CapTel user does not type while making a call, therefore there is never an opportunity for the CA to have to interpret typewritten ASL.

CapTel CAs must follow certain guidelines while supporting calls. Below is a list of these guidelines.

- The CA shall be trained to caption the words spoken by the hearing party as accurately as reasonably possible, without intervening in the communications. The CA is permitted to provide background noise identification.
- The CA shall not maintain any records of conversation content and shall keep the existence and content of all calls confidential.
- The CA shall be required to meet the FCC standards for TRS minimum transcription speed.
- The CA shall not limit the length of a call and shall stay with the call for a minimum of ten minutes when answering and placing a call.
- The CA shall pass along a CapTel caller's Automatic Number Identification (ANI) to the local Public Service Answering Point (PSAP) if the caller disconnects before being connected to emergency services.
- Personnel supporting CapTel will have the requisite experience, expertise, skills, knowledge and training and education to perform CapTel services in a professional manner.

The following is the training plan for Minnesota Relay CapTel CAs.

CapTel Training Summary Outline

Introduction/Tour

Introductions: lead trainer, training assistant, call center director, and other administrative personnel that may be involved in the first day of training. Prospective CAs are given a tour of the building and the facilities. Each individual is given a security passkey and shown how to use it. The CapTel, Inc. building is a secured facility and the passkey is needed to enter the parking lot after normal business hours, enter the building and gain access to the call center floor by stairway or elevator.

Human Resources Overview

The Human Resource coordinator meets with each group to go over required employment paperwork for the state of Wisconsin, Call Center Policies, Non-Disclosure agreement, Confidentiality Requirements, expected standards that must be met to pass out of training, and current scheduling needs.

Videos

Several videos are shown to better demonstrate the job of a CA, how the technology works and how it provides improved communication for CapTel relay users. After each video, questions are answered or clarified as needed.

Mini Demo On CapTel Phone

A brief explanation of the CapTel phone and the captioning system is given including commonly used terminology when referring to each party involved in a call. Each trainee is then able to place a short call to experience using CapTel relay service. This helps individuals to better understand what we are asking them to provide to relay users and what the relay user experiences.

Introduction - Developing a Personal Voice Profile

Developing a personal voice profile is the most important step to successfully process CapTel calls. CAs are given specific instruction as to how to speak, how to sit, and how to utilize the computer and headset to gain optimal accuracy.

Introduction - Training Program

The CapTel training program allows individuals to listen to various pre-recorded scripts and “re-voice” what they hear directly into the recognition program. Individuals are coached to focus on developing the proper re-voicing technique. This simulates the conversation or voice of the hearing person and having to repeat those words to the computer accurately. Through the progression of various training scripts CAs work to improve their speed of speech while maintaining accurate pronunciation of words based on each script.

Introduction - Call Handling Tools

Macros are utilized to aid in the speed and accuracy of calls. CAs listen to pre-recorded scripts that consist mainly of Macro type words and learn to utilize the macros accordingly.

Introduction - Call Handling Skills - Pacing a Conversation

CAs are introduced to further call handling skills that allow them to pace various calls in order to provide accurate captions.

Introduction - Call Handling Skills - Inserting Words

CapTel trains its CAs to insert particular words that the voice recognition is not able to caption successfully or in a consistent manner. These words include such things as people’s names and regional cities and towns.

Introduction – How to Handle Various Recordings

CAs are introduced to various types of calls and how to handle each. The importance of verbatim transcription, confidentiality, accuracy and speed are reviewed. CAs view a demonstration by the training assistant, and then each CA is assigned scripts relating to answering machines and automated recordings.

Introduction & Demo of CapTel Conversation

Each trainee observes each end of the “telephone call”, (CA, CapTel user, hearing person). Each CA assists in making “live” calls to other trainees. This encourages each CA to observe and experience what our clients experience on every call. It also allows

the CA who is captioning an opportunity to practice their learned techniques on more realistic, true to life calls.

CapTel Introduction to Call Simulation

Live call simulation allows CAs to gain exposure to real incoming calls landing on the production floor, however they do not interfere with the quality of captions going to the CapTel user. New CAs are paired with experienced CAs on the production floor to observe and listen to live calls.

Call Simulation - Timings

CAs are placed into a rotation of call simulation and receive their first official timing for speed and accuracy. Baseline timings provide a progress report for each CA and develop a list of improvement areas. This measures the quality and accuracy of re-voicing.

Review of Baseline Timings

Training Scripts are assigned to the group. One at a time, each CA meets with the trainer to review their Baseline timings. Feedback and review of standards and expectation are given.

Introduction to Correction Tool

The Correction tool is introduced to provide CAs with another opportunity to provide the highest quality captions.

Review Training Elements

CAs meet as a group with the trainer to review the various elements that enable them to provide the quality of captions expected from each CA.

CapTel Monthly Timing Policy

CapTel, Inc.'s monthly timing policy is reviewed with all CAs. The importance of successfully passing these timings is emphasized.

Call Simulation - Timings

CAs are placed into a rotation of call simulation and receive an official timing. This second timing is a base-line timing in which re-voicing accuracy and call handling skills along with the ability to correct errors are evaluated. Each CA is unaware of when the timing will occur.

CapTel Production Floor Orientation

Supervisors meet with the group of CAs to go over specific Call Floor procedures, expectations, break adherence, time clock, lockers, emergency plans, point of contact individuals for questions and assistance.

CAs continue to progress onto the production floor and practice in the training room as needed. CAs are timed each day and progress is reviewed until a CA meets the expected standards or it is determined the individual is not suited for the position. Action is taken as necessary.

CapTel Training Procedures

CAs will convey the full content, context and intent of every call relayed. The CA will relay all calls in accordance with the following procedures:

CapTel CAs do not, for the most part, rely on their own grammar, spelling, or typing skills, as the majority of text transcription is verbatim through the voice recognition technology. The FCC has granted CapTel a waiver from the minimum TRS standard requirements on August 1st, 2003 due to this exception.

Spanish Relay Specific Training Requirements

CAs who are hired to provide Spanish language relay services are required to pass an evaluation of their ability to read, write, speak and understand Spanish. Berlitz, an independent vendor that specializes in the assessment of language skills, conducts this evaluation.

Spanish relay CA s are evaluated monthly on their abilities to accurately translate typed text of relay users who have limited written Spanish language skills. As part of ongoing monthly evaluation, Spanish relay CA s are evaluated on their ability to translate Spanish gloss. Fully trained CA s will automatically translate limited typed Spanish to conversational Spanish.

Bilingual CAs are trained to meet the specific needs of Spanish-speaking relay users and are able to adapt to various dialects used by the Spanish-speaking community and regional variations of the Spanish language. Minnesota Relay handles dialects from all parts of Latin America and the Caribbean, including:

- Mexico
- Nicaragua
- El Salvador
- Colombia
- Ecuador
- Argentina
- Cuba
- Dominican Republic
- Guatemala
- Honduras
- Panama
- Peru
- Venezuela
- Chile
- Puerto Rico
- Standard Castilian Spanish

§64.604 (a)(1)(ii) CAs must have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.

In initial training, CAs are given three written and two hands-on performance evaluations. The CA must demonstrate their ability to spell, type accurately; process a call using live training terminals, and role-play scenarios written in varying levels of ASL. CAs must demonstrate relay skill level in all aspects of call processing prior to graduation from training. The CA testing involves hands on and a written assessment of knowledge.

Typing Tests

CSD uses an oral-to-type test that simulates actual working conditions and the relay environment. Testing software ensures the oral-to-type test is of a five-minute duration. The test used to assess typing speed is the same test used to assess accuracy. Specific typing tests are selected each quarter and are not posted or distributed in advance. CSD follows all FCC guidelines in regards to typing speed requirements.

English Grammar and Spelling

All CA trainees are required to pass a valid and unbiased college entry-level spelling test to be considered for employment as a relay CA. Telephone etiquette is covered in initial training.

Understanding of Limited English

CAs must demonstrate the ability to understand communication-impaired people using limited English and to translate limited typed English to correct spoken English.

During initial training, the CAs are trained and evaluated on how to accurately reflect the TTY user's intent and the CA's role in the relay process. CSD uses a workbook, created by a deaf instructor, to train CAs in the translation of limited English to conversational English. In addition, all role-plays are written in ASL/limited English and CAs must translate these role-plays from limited typed English to correct spoken or conversational English. This area is evaluated and tested throughout training. When training is complete, CAs continue to be evaluated on limited English to spoken English translation through individualized monthly surveys. In addition, if requested, CAs will relay verbatim without translating.

Clear and Articulate

As a part of initial training, CAs are trained to always use clear articulation and enunciation. Equally important, CAs are taught to be expressive and vary their tone of voice and rate of speaking by creating a verbal picture with their voice. For many customers it may be their first experience using a relay service. Hearing customers using relay rely on the tone of voice and inflection to better understand the message. How information is relayed may have a greater impression than what is said.

Diversified Culture and ASL Training

All Minnesota Relay employees, including management, participate in 20 hours of Diversified Culture training during the initial training period. Representatives from local deaf organizations and/or Minnesota Relay staff with appropriate experience deliver this portion of training. Minnesota Relay works closely with the local deaf community to identify knowledgeable presenters to assist with the training.

Minnesota Relay's Diversified Culture training module represents CSD's and Sprint's commitment to ensure employees develop a sensitivity and understanding to the customers served. The training module includes information about the needs of persons who are deaf, hard of hearing or speech disabled.

Training is provided on various levels of English/ASL during initial training, as well as throughout a CA's employment. In order to successfully complete the initial training, a CA must demonstrate competent skills in translating calls as required. Below are the topics covered in the Deaf Culture training program:

ASL/Deaf Culture (20 hours)

- What is ASL?
- History of ASL.
- ASL's recognition as its own language
- Rules of ASL
- Parameters of ASL
- English Idioms versus ASL Idioms
- Evolution of ASL
- Syntax of ASL
- How to translate ASL to English
- TTY Language Samples
- TTY Courtesy

Each employee receives 80 hours of initial training, which includes 20 hours dedicated to Deaf Culture. All role-plays are written to reflect ASL. CAs are tested for basic ASL skills prior to completing initial training. If the CA does not demonstrate the ability to convert basic ASL to conversational English, the CA is not allowed to take live calls. The CA will receive additional training and if the CA can not grasp the concept of converting basic ASL to conversational English, the CA will be terminated.

Throughout employment CAs continue to expand on their skills and improve their knowledge of ASL and Deaf Culture. After initial training, each CA is provided with an ASL workbook. This workbook is completed by the CA and returned to the supervisor. The supervisor and CA together review the workbook and the CA's ability to translate ASL to conversational English. The CA keeps this manual for future reference. CAs are supported by supervisors who are trained and knowledgeable in Deaf Culture.

§64.604 (a)(1)(iii) CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.

All CA trainees typing skills are tested during new CA training. Specialized typing test software is used to assess typing speed in a five-minute test. The script is a voice-to-text typing test that simulates a relay call. The software counts every five characters, including spaces, as a word and divides the number of words typed by five to determine the number of words-per-minute. In addition, CSD utilizes technological aides such as pre-programmed macros and auto-correcting software, along with the CA's natural skill, to provide optimal service. If a CA does not demonstrate a minimum typing speed of 60 wpm, the CA will not be allowed to process relay calls.

CSD/Sprint conduct quarterly typing tests of all CAs using a voice-to-text, computer-based test that simulates actual relay working conditions. Testing software ensures the voice-to-text test is for a five-minute duration. The quarterly typing test assesses speed and accuracy. The TAM administrator requested from Sprint a copy of the most recent CA typing test and test scores for each CA. Sprint responded by only providing an overall typing test score for all CSD/Sprint call centers. Sprint stated that the most recent CA typing tests indicate an overall score of 82.5 words-per-minute with 97% accuracy for all call centers.

CapTel Typing Tests / Typing Speeds

CapTel's voice recognition technology transmits above 100 words-per-minute. While oral to type tests are waived as a result of this technology, oral to text tests are given to all CapTel CAs. Sprint has notified the state that the most recent CapTel CA typing tests indicate an average speed of 100 words-per-minute.

- CapTel CAs are trained to caption the words spoken by the hearing party as accurately as possible, without intervening in communications.
- CapTel CAs are permitted to provide background noise identification.
- CapTel CAs are tested using scripted calls to a minimum accuracy level of 98%. Periodic testing is conducted to maintain this standard.

§64.604 (a)(1)(iv) TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A "qualified interpreter" is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Not applicable; Minnesota Relay does not provide Video Relay Service.

§64.604 (a)(1)(v) CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of ten minutes. CAs answering and placing an STS call must stay with the call for a minimum of fifteen minutes.

Minnesota Relay only changes CAs during the relay conversation when it is absolutely necessary.

In cases where a change in CAs is unavoidable, the CA will remain with the call for a minimum of 10 minutes for all relay calls (including CapTel), except for STS relay calls. STS CAs must remain with a relay call for a minimum of 15 minutes before a change in CA is allowed.

If a change in CAs is necessary, both parties are informed and the new CA will inform both parties of the CA's identification number. Changing of CAs will not cause the new CA to lose the caller's call handling preferences, either from the caller's customer preference record nor as requested by the caller during call setup, including instructions given once for sequential outbound calls.

Minnesota Relay users always have the right to request a change in CAs.

§64.604 (a)(1)(vi) TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.

When a Minnesota Relay user requests a CA of the opposite gender of the CA who initially receives the call, the relay user is switched to an appropriate CA as soon as one becomes available. If a change of CA is necessary during the call, every attempt will be made to accommodate the previous gender request.

CapTel CAs are waived from this requirement. See Appendix F; FCC CapTel Mandatory Minimum Standards and Compliance Matrix.

§64.604(a)(1)(vii) TRS shall transmit conversations between TTY and voice callers in real time.

Minnesota Relay CAs transmit and relay all conversations between the caller and the called parties in real time.

CapTel is a transparent service. CAs transmit audio and captioned text conversations from the voice caller to the CapTel user in real time. Since the CapTel user utilizes their own voice to transmit, no transmission occurs from the CA to the voice caller.

§64.604 (a)(2) Confidentiality and Conversation Content

§64.604 (2)(i) Except as authorized by section 705 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.

Throughout initial and ongoing training, CAs receive information and guidelines on ethics and confidentiality with regard to Minnesota Relay. All relay center personnel are required to sign and abide by a pledge of confidentiality that promises not to disclose the identity of any caller or any information learned during the course of relaying calls. In conjunction with signing Minnesota Relay's confidentiality agreement, CAs review and discuss the agreement with supervisors. In addition, CAs are required to sign a *Relay Center Confidentiality Agreement* which outlines confidentiality rules expected to be adhered to by all employees in the relay center. Please refer to Appendix G for review of this agreement.

As a part of training, CAs role play various scenarios that teach them the correct way to ask for assistance from their supervisor without divulging specifics of the call. Examples of breaches of confidentiality are reviewed and discussed with the CAs.

Minnesota Relay trainers do not utilize any type of identifying information or specific details when discussing call-processing procedures. No written or taped information regarding a relay call is kept after the call is released from the CA position. The from and to numbers are removed from the CA terminal immediately after the call has been terminated; at this point, the billing information is transferred to the billing files. If a customer registers a concern regarding operating practices and wishes to reveal his/her name, it is only used to follow up with the customer and explain the resolution Minnesota Relay has taken in regard to the concern.

In addition, Minnesota Relay strictly enforces confidentiality policies including the following:

Communication Assistant (CA)

- Prospective CAs undergo a thorough background investigation and screening.
- During initial training, CAs are presented with examples of possible questionable types of breaches of confidentiality.
- Stress can be a factor in maintaining confidentiality. CAs receive three hours of training on healthy detachment.
- After graduation from initial training, each CA must sign a Pledge of Confidentiality Agreement form.
- When CAs require counseling due to a stressful call, they will not discuss specifics about the call. CSD/Sprint has consulted with a medical agency to provide a confidential employee assistance program.
- Breach of confidentiality may result in termination of employment.

Building

- Minnesota Relay's center has security key access.
- Visitors are not allowed in the CA work area.
- CA terminals screens are not visible from windows.

Total Confidentiality

All Minnesota Relay employees are trained from day one that all calls coming through the relay will be considered strictly confidential. In accordance with the FCC regulations, all information provided for the call set-up, including customer preference records remain confidential and cannot be used for any other purpose. Once the inbound party disconnects, CAs lose the ability to view or access any information pertaining to that call. Any breach in confidentiality is grounds for termination.

No written or taped information regarding the call is kept once the call is released from the relay position. Billing information is transferred to billing files after the call has been terminated and is no longer available except for billing purposes.

The only exception to this policy relates to STS calls. STS CAs may retain information from one inbound call for use in a subsequent outbound call, with the caller's permission. Such information will only be retained for the duration of the inbound call.

Workspace Accommodations for Call Privacy & Confidentiality

Minnesota Relay is located in a secure facility in Moorhead, Minnesota. Access to the center is restricted and security key access is controlled. Visitors are not allowed in the CA work area and CA terminals screens are not visible from windows. Each workstation is separated by a cube divider tall enough so that CAs can not over hear another CA processing calls.

Pledge of Confidentiality

ALL employees of the Minnesota Relay center are required to sign a "Relay Center Confidentiality Agreement" which outlines confidentiality rules expected to be adhered to by all.

Discussion of Calls

CAs are instructed that discussions of any specific information of any relay call is not permitted. The only exception is when callers are willing to identify themselves in order to resolve a complaint. CAs may discuss the "general" situation when they need assistance in order to clarify how to process a particular type of relay call. Minnesota Relay personnel, including CAs, are trained to ask questions about procedures without revealing specific information that will identify the parties on the call.

Emergencies

Minnesota Relay CAs are trained to report to their supervisor or management if any relay user is in an emergency or life-threatening situation, or causes an emergency situation to exist by threatening the CA or the relay center. Names and specific information may be disclosed by the CA to a supervisor to expeditiously address the situation. Minnesota Relay and our TRS providers have stressed continuously to the general public that relay services are NOT to be used in case of emergency. However, when an emergency situation does arise, the CA will alert the supervisor for assistance.

Monitoring of Calls

Minnesota Relay personnel are trained and are aware that watching or listening to actual calls by anyone other than the relay CA is prohibited. The only exceptions are for training or monitoring purposes or other purposes specifically authorized by the FCC or state.

Minnesota Relay personnel will NOT announce to a caller that "your call may be monitored for training purposes." Recording of a relay call is not allowed except as allowed for STS calls and for handling voice mail and/or interactive type messages.

Restriction of Information

Collecting personal information from Minnesota Relay users will be used ONLY for billing purposes, customer preference records or to file complaints. Information will not be used for any other purpose.

CapTel

CapTel relay center employees must comply with the same rules that traditional TRS follows regarding confidentiality. A copy of the *CapTel CA Pledge of Confidentiality* form can be found in Appendix H. Below is an explanation of confidentiality as it pertains to CapTel relay employees.

- Information obtained during a CapTel call should not be shared with any person except a member of the CapTel management staff who has asked for specific information. This information may be needed to clarify technical, policy, emergency, venting, consumer, or customer service issues. General call information will not be shared unless it is used to clarify, vent, or teach. Information about call content should be discussed in a private area only.
- Only information critical to resolving the situation will be disclosed. This may include consumer name, name of business/agency, gender of caller, type of call (voice in, CapTel in), day of week, time of day, city, state, or any other details that could in some way identify a consumer.

A CapTel CA may have problems, complaints or stress from handling a call. The CA may ask to speak to a supervisor or other member of management (as long as it wasn't their call) in a private area.

The success of CapTel depends on quality and complete confidentiality. Since consumers will be less likely to use the service if they feel their personal and professional calls are not kept in the strictest confidence, all CAs understand and abide by the confidentiality policy. Any CA who breaks this policy will be disciplined, up to and including termination.

Speech-to-Speech (STS) Limited Exception of Retention of Information

At the request of a caller, a STS CAs will retain information from a call in order to facilitate the completion of consecutive calls. No information is kept after the inbound call is released from the CA position.

§64.604 (a)(2)(ii) CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.

Verbatim Relay

Minnesota Relay CAs type to the TTY user or verbalize to the non-TTY user exactly what is said, verbatim, when the call is first answered, and at all times during the

conversation, unless either relay user specifically requests summarization or ASL interpretation.

Translation of ASL

At the request of the relay user, CAs will translate written ASL into conversational English. All CAs are able to translate the typed languages of relay users whose primary language may be ASL or whose written English language skills are limited to conversational grammatically correct English. Training is provided on various levels of English/ASL during the initial training, as well as throughout a CAs' employment. In order to finish training successfully, the CA must demonstrate competent skills to translate the calls as requested.

CapTel CAs are prohibited from intentionally altering a relayed conversation and will relay all conversation verbatim.

STS Facilitation of Communication

STS CAs receive training on how to facilitate STS communication without interfering with the independence of the user. STS CAs will ask for clarification if they are not sure of what the STS user is saying. STS CAs will not counsel, advise or interject personal opinions. When unsure of the meaning or context, the STS CAs will ask the speech disabled caller to repeat or clarify. STS CAs are trained on the appropriate methods to do this without sacrificing user's control of the call.

STS CAs are evaluated monthly on their ability to facilitate the call without altering content of the conversation or compromising the user's control. Minnesota Relay users have full control of all of their relay calls.

Confidentiality of Video Relay Service Users

Not applicable; Minnesota Relay does not provide Video Relay Service.

§64.604 (a)(3) Types of Calls

§64.604 (a)(3)(i) Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services.

Minnesota Relay is available 24 hours per day, 7 days per week for standard (voice), Text Telephone (TTY), wireless, or personal computers (PC) users to place local, toll-free, intrastate, interstate, international and directory assistance calls. There are no restrictions on the duration or number of calls placed by any relay user. All Minnesota Relay users retain full control of the length and number of calls placed anytime through relay.

CapTel CAs are currently waived by the FCC for outbound calls because the CapTel CA is not involved in call set up and cannot refuse the call. A CapTel user dials sequential calls directly, therefore it is not possible for a CapTel CA to refuse sequential calls or to limit length of calls.

CapTel CAs are not waived by the FCC for inbound calls to a CapTel user made through a TRS facility. However, if a call is made directly to the captioned telephone access number no set up is involved and the CapTel CA can not refuse the call. Please see Appendix F for more information on CapTel mandatory minimum standards waivers.

§64.604 (a)(3)(ii) Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.

Minnesota Relay is committed to ensuring that relay users have equal access to functionally equivalent telecommunications services, including enhanced services purchased by relay users from their local telephone company. The following call types are available through Minnesota Relay:

1. Intrastate Calling

- Local calls.
- IntraLATA toll calls.
- IntraLATA interstate calls within the same local calling area which, if the relay center were not used, would be considered local calls (whether they originate within the state or outside the state).
- InterLATA calls that originate and terminate in Minnesota.

2. Interstate Calling

The methods and procedures for providing interstate relay are within the jurisdiction of the FCC.

3. International Calling

The methods and procedures for providing international relay are within the jurisdiction of the FCC.

4. Use of ANI

Automatic Number Identification (ANI) technology will be utilized so that no caller is required to give his/her originating calling number, except in instances where ANI information is not available from the local exchange carrier (LEC) or competitive local exchange carrier (CLEC). If the CA does not receive the ANI and must ask the customer for their phone number, the CA will explain to the inbound party the reason she/he is asking for the phone number.

Sprint's ability to capture the incoming caller's ANI and cross-reference it to the called-number enables the system to automatically rate the call as either local or toll. Since this is done automatically by Sprint's system, the result is faster call set-up as the inbound caller is not required to provide any additional information other than the called-party's information.

5. True Caller ID and Enhanced Custom Calling Services (purchased by users from their local telephone company)

Minnesota Relay's TRS provider (CSD/Sprint) is required to be capable of providing true Caller ID services. All forms of calling line identification information and blocking features are required to be passed through with no relay intervention. With each outbound relay call placed by a CA, the inbound caller's telephone number (not the relay center's number) is automatically provided to the outbound relay called party for display on the called party's (phone or TTY) Caller ID display. The Minnesota Relay calling party's telephone number is not automatically passed on to the called party if the calling party has Caller ID blocking purchased from their local telephone company.

a) Technology

True Caller ID is offered for all local and long distance calls to carriers who have SS7 connectivity with Sprint. The SS7 network interfaces with all national long distance Carriers and major LECs, CLECs, and ILECs. This Caller ID SS7 solution includes receiving the privacy bit information from the inbound relay caller as well as other SS7 call information elements such as: the Calling Party Number, Charge Number and Originating Line Information. Minnesota Relay passes through the calling party information (rather than 711 or the number of the TRS Center).

b) Customer Control

The relay user is in control of their relay experience. Minnesota Relay users are able to disable or block their Caller ID information from being transmitted with their LEC on either a per-call or a per-line basis.

Minnesota Relay users who have Caller ID can view the calling party's information before picking up the phone. The relay user can then decide whether or not to answer the call based on the name and number displayed on the Caller ID unit or their telephone display screen.

When Caller ID information is not passed through, as with standard telecommunications, the Minnesota Relay called party will receive a message such as:

"OUT OF AREA" or "CALLER UNKNOWN"

c) Anonymous Call Rejection (prevents calls from ringing into customer's home if the caller's line is blocked).

d) Call Block (block outgoing calls to long distance numbers, including pay-per-call and international numbers, operator assistance and directory assistance numbers).

e) Caller ID Block (allows customer to block their name and telephone number from appearing on the Caller ID display of the number being called).

- f) *Call Rejection (allows customer to block all calls from telephone numbers on a "rejection list"; if someone calls from one of these numbers, a pre-recorded message indicates that the called party is not accepting calls at this time).*
- g) *Last Call Return (allows customer to see the telephone number of their last incoming call).*
- h) *Call Trace (permits the customer's local telephone company to trace the last call received by the customer, and hold the results for later use by an authorized law enforcement agency).*
- i) *Preferred Call Forwarding (allows customer to create a list of telephone numbers that they want forwarded to a new telephone number. All other calls do not forward to the new number).*
- j) *Priority Call (customer can program telephone numbers to ring distinctively).*

6. Wireless and Personal Communications Services (PCS) Phone Calls

In Minnesota Relay's most recent Request for Proposal for TRS the state included a clause (5.15) that stated:

"The Minnesota Relay must be capable of handling wireless and PCS phone calls. The Contract Vendor must maintain the procedure and methodology to determine the call types and document the amount of time necessary to determine call types. The Contract Vendor must be capable of billing the call appropriately."

CSD's proposal response stated:

"Wireless technology has limitations that impact all relay providers. Currently, it is not technologically possible for relay providers to determine the specific local calling area of all wireless subscribers. To overcome this limitation, CSD has implemented a solution at the Relay Center. If the incoming Wireless call is identified by the network information, CSD will process the Relay call without domestic toll charges or additional delays. If the wireless provider does not transmit the necessary network identification information, the caller may inform the CA, who will then process the call immediately. This eliminates the conflict between toll charges and customer's wireless plan.

CSD's current policy eliminates toll charges for cellular calls identified by the information digit pairs of #61, #62 and #63. CSD also eliminates toll charges when the calling-party indicates to the CA that they are calling from a cellular device."

7. Access to Regionally Directed Toll-Free Numbers

Minnesota Relay users are able to access regionally directed toll free numbers. For example: AAA has a national toll free number. When a call arrives at the AAA call

center, it is automatically rerouted to the correct state based on information in the relay user's ANI (not the relay center's ANI).

8. Access to Regionally Restricted Toll Free Numbers

Minnesota Relay users have access to regionally restricted 800 or other toll-free prefix numbers, and calls to the business offices of local telephone companies which have special prefixes, all of which would normally be accessible to the relay user in his/her calling area. Sprint provides a VPN outbound trunk, which connects the relay center to the DMS-250 switch and is used for regional 800-calls. Since restricted 800 numbers are not used nationwide, they only work in specified LATAs; therefore, the call must be routed to Sprint's VPN trunk to the Sprint Point of Presence (POP) in the originating LATA for call completion.

The Regional Calling Network uses the existing Sprint network to route the terminating portion of the relay call (the called number) back to the LATA of origin for regional calls. This permits the CA at any CSD/Sprint relay center to complete regional calls, with the function transparent to Minnesota Relay users.

9. Access to 900 or Pay-Per-Call Numbers

See information provided under §64.604 (a)(3)(iv).

10. Access to Coin Sent-Paid Calls

Minnesota Relay users are able to make a call from a coin-operated public pay phone. Local calls are provided at no cost to Minnesota Relay pay phone user. Toll calls can be billed Collect, Third-Party, Person-to-Person, to LEC calling cards, non-proprietary IXC calling cards (if the carrier is an available Carrier of Choice through Minnesota Relay) and debit (pre-paid) cards. On occasion, the CA may need to request that the caller provide the dialing instructions indicated on the pre-paid card. The CA will then verify the number and connect the call. The CA will inform the user of the amount of minutes/units available on the card before the relay call begins.

11. Access to Directory Assistance (DA) Services

Minnesota Relay users have unlimited access to standard Operator and DA services, including local and long distance DA, for free or at rates no higher than those charged normally to end users by the local telephone company. Once a Minnesota Relay user makes the request, the CA contacts the appropriate DA Operator. The CA relays DA calls between the relay user and the DA Operator.

§64.604 (a)(3)(iii) Relay service providers are permitted to decline to complete a call because credit authorization is denied.

When a TRS or CapTel call is placed through Minnesota Relay, the user will be billed in the same manner that a non-relay user would be billed. The relay user will only be billed for conversation time, (which does not include call setup time, time in between calls and wrap up time) on toll calls. Billing will occur within 60 days of the call date. Minnesota Relay users have the option of billing their calls to a non-proprietary LEC (local) or IXC (long distance) calling card. Minnesota Relay is able to process calls billed to a user's

calling card if the carrier is an available Carrier of Choice for Minnesota Relay and as long as Feature Group D is at the carrier's access tandem. The Minnesota Relay user's Carrier of Choice is responsible for providing call types and available billing options, and will also handle the rating and invoicing of toll calls placed through the relay.

§64.604 (a)(3)(iv) Relay services shall be capable of handling pay-per-call calls.

Minnesota Relay users who wish to place a 900 call must utilize the 900 toll-free access number in order for the relay center to accurately detect restrictive blocks placed on the calling party's telephone line by the LEC. This is done to circumvent fraud and increase the functional equivalence of Pay-Per-Call services.

Sprint's TRS platform supports the necessary telecommunication interconnections to support direct end-user billing by Pay-Per-Call service providers. CSD and Sprint exceed the minimum requirement to ensure functional equivalence by preventing unauthorized end-users from circumnavigating LEC restrictions. This process ensures that the LEC will only complete those calls to relay that do not have a 900-number block added to their phone lines.

Pursuant to FCC guidelines governing Pay-Per-Call services, the 900 service provider must include an introductory message including the name of the company, a brief description of the information or service to be provided and the price terms of the transaction prior to beginning the charge for the call. This information will be relayed to the Minnesota Relay user, who may choose to disconnect the call before being charged. Like traditional voice users, the 900 service provider and the 900-number carrier will rate and bill the user as if the call was dialed directly from the originating user's telephone.

§64.604 (a)(3)(v) TRS providers are required to provide the following types of TRS calls: (1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO.

Minnesota Relay provides access to the following types of TRS calls:

- Voice-to-Text
- Text-to-voice
- VCO
- Two-line VCO
- VCO-to-TTY
- VCO-to-VCO
- VCO-to-HCO
- Reverse Two-Line VCO
- VCO With Privacy and No GA
- HCO
- Two-line HCO
- HCO-to-TTY
- HCO-to-HCO

Except where waived by the FCC, CapTel relay users are able to access all types of TRS calls. The requirement to provide 711 dialing is waived for outbound calls made from a CapTel phone. STS and HCO calls are also waived for CapTel.

§64.604(a)(3)(vi) TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality.

1. Call Release Functionality

Minnesota Relay provides Call Release functionality, which allows the CA to sign-off or be “released” from the telephone line after the CA has set up a telephone call between the originating TTY caller and a called TTY party. The Call Release functionality is necessary in situations such as when a TTY user must go through Minnesota Relay to contact another TTY user because the called TTY party can only be reached through a voice-only interface such as a switchboard, or when a TTY user needs to speak with a voice user first.

With 2-Line CapTel service, a CapTel user can release or receive captions at any time during a call.

2. Speed Dialing Functionality

Minnesota Relay provides Speed Dialing functionality, which allows relay users to store up to 10 frequently called numbers in their customer preference database along with a name for each entry. When initiating a call, the relay user may provide the CA with the name of a person on their frequently called number list instead of providing the 10-digit telephone number.

The CapTel phone is equipped with the ability to program 3 speed dial numbers into memory, and also allows the user to redial the last number dialed.

3. Three-Way Calling Functionality

Minnesota Relay users who have purchased Three-Way calling or conference calling capability from his/her LEC can use this feature when placing a call through relay. This feature allows a Minnesota Relay user to add a third party to a relay call. For example, a TTY caller places a call to the relay and then bridges another TTY user on his or her line. The original TTY caller then requests to place a call to a voice user. The CA will make the connection and relay the call between the voice party and both TTY users. This process would also apply if there were two voice customers and one TTY user on the line.

CapTel users are also able to participate in a three way call. Although the person using the captioned phone is unable to establish the three-way call, the called party is be able to do so by utilizing the telephone switch hook (or “flash”) button on his or her telephone. For Two-Line CapTel users, either party can initiate a three-way call if the user purchased this option from their LEC. CapTel users are also able to participate in a conference bridge to speak to three or more individuals.

§64.604(a)(3)(vii) Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.

When reaching a recorded message, the CA utilizes recording technology that has the capability of recording audio information from the outbound line on the first attempt using a "hot-key". The CA then plays back the recording at a pace that allows her/him to relay the entire message to the TTY caller, and deletes the recorded message. CAs are trained to type or relay the entire recording.

CAs inform Minnesota Relay users when reaching an answering machine, voice mail, or interactive menu. To keep the TTY caller informed of the call progress, the CA will hit a "hot key" which will transmit:(ANS MACH) or (RECORDING).

Hearing relay users will be informed orally of call status messages.

Relay users will be charged for the first call only; subsequent redials to replay a message, leave a message or enter information into an interactive menu are not charged to the relay user. CSD and Sprint have developed a procedure using their Ultra WATS lines to ensure that with additional out-dials; the relay user does not incur toll charges.

To ensure confidentiality of access code information, the CA is able to utilize a scratchpad that has been incorporated into the call processing software. This allows the CA to retain necessary information to complete the call. At the end of the call, all information pertaining to the call is automatically erased from the CA position.

The CA will confirm with the caller that their message has been left. Once the CA has left the message on the answering machine or voice mail, the CA will confirm orally or send a pre-programmed response to the Minnesota Relay user stating: (UR MSG LEFT) CA XXXX M/F GA.

CapTel users are able to hear and interact directly with the recorded message and interactive menus. The CapTel user is alerted to the presence of a recording by hearing the recording and seeing the captions of the recording as the message is played. When a CapTel user encounters a voice mail system or interactive menu, they may press the appropriate number buttons at any time during the call and do not need to wait for the captions prior to pressing their selection. The captioning service continuously transcribes anything that is said regardless of what the CapTel user is saying or which buttons they press.

Some automated systems have very short response times which may

disconnect the CapTel user. If this happens the CapTel user must hang up and try the call again.

§64.604 (a)(3)(viii) TRS providers shall provide, as TRS features, answering machine and voice mail retrieval.

Minnesota Relay has the capability to retrieve messages from answering machines at the relay user's location or by placing an outbound call to a remote location. When a relay user requests to retrieve messages at the same location, the CA will instruct the user when to take the handset off the hook and when to begin playing back the messages.

When a relay user requests the CA to retrieve messages from a voice mail system or PBX mailbox, the CA will follow the user's instructions for outdial, pin entry, access codes, and/or system commands to retrieve new messages, play messages, save, and/or delete messages. To ensure confidentiality of access code information, the CA is able to utilize a scratchpad that has been incorporated into the call processing software. This allows the CA to retain necessary information to complete the call.

The CA utilizes recording technology that has the capability of recording audio information from the outbound line on the first attempt using a "hot-key". The CA then plays back the recording at a pace that allows her/him to relay the entire message to the relay user. CAs are trained to type or relay the entire recording verbatim.

At the end of the call, all information pertaining to the call is automatically erased from the CA position.

CapTel relay user can access messages on an answering machine that is near their CapTel phone by playing the message aloud. To do so, the CapTel user presses the menu button on their CapTel phone until "Caption External Answering Machine Messages" is displayed. The user then presses the button next to "OK", picks up the CapTel handset and places the handset mouthpiece next to the answering machine speaker. The CapTel phone automatically dials the relay service. When a connection with the relay service is established, the CapTel user plays the answering machine messages aloud, and captions of the voice message(s) are displayed on the CapTel phone.

The CapTel user may save or delete voice messages directly on the answering machine. When they have finished, they hang up the CapTel handset and the "Caption External Answering Machine Message" feature goes off automatically.

CapTel users may also retrieve voicemail/answering machine messages at a remote location. The CapTel user calls the phone number they dial to check their voice mail/answering machine system and follow the voice mail/answering machine prompts to retrieve their message. The CapTel user may press the number buttons at any time; they do not need to wait for the captions before pressing their selection.

The CapTel user can stay on the line as long as desired until the message is heard in its entirety or replayed. The CapTel user interacts with the recorded message system directly.

§64.604 (a)(4) Handling of Emergency Calls

§64.604 (a)(4) Handling of emergency calls. Providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.

Minnesota Relay meets the requirements of emergency calls by immediately routing 911 calls to an appropriate Public Service Answering Point (PSAP) that the caller would have reached by dialing 911 directly, or a PSAP that is capable of dispatching emergency services in an expeditious manner. With one CA keystroke, the relay center's intelligent CA application utilizes the NPA/NXX information of the inbound caller to immediately cross-reference this information to a national database¹ containing the ten-digit emergency number for every PSAP Center in Minnesota. Within seconds, this number is entered in the dial window and the call is then immediately initiated.

With CapTel relay, when a CapTel user dials 911, the phone defaults to a VCO phone and a direct connection is made to the appropriate PSAP for faster service and increased reliability on every call. Because 2-Line CapTel uses separate voice and data connections, it offers the most efficient way to access Emergency Services via 911. With 2-Line CapTel, the user is connected directly to 911 on a standard voice connection, and the captions are connected on the second line.

Minnesota Relay considers an emergency call to be one in which the relay caller indicates the need for police, fire department, paramedics or ambulance. Minnesota Relay utilizes a standard E911 database that serves all of the United States.

Specific emergency call handling requirements for Minnesota Relay are listed below.

1. Pass Caller's ANI to the PSAP

The CA will pass along the caller's telephone number to the PSAP when a caller disconnects before being connected to emergency services. The CA, when told by a TTY/ASCII user (non-voice) that an emergency exists, will hit a hot key. The CA terminal will post a query containing the caller's ANI to the E911 database.

¹ The database is a proprietary database that Sprint leases access to. The servers and data are owned by the vendor, but the servers are installed on Sprint property due to security requirements. The database is constantly updated as errors are found/reported by Sprint and changes are reported by the PSAPs.

The E911 database currently responds with the telephone number of an appropriate PSAP; automatically dials the PSAP number and passes the caller's ANI to the E911 Service Center.

2. Stay on the Line to Ensure Connectivity

If the emergency call is transferred to a PSAP, the CA will stay on the line as long as necessary to ensure that the PSAP operator has received the call. The CA will remain on the line and will verbally pass the caller's ANI to the E911 Service Center operator.

Minnesota Relay users are encouraged to dial 911 as their primary means of contacting Emergency Services. However, if a relay user makes an emergency call through Minnesota Relay, the CA will make every effort to correctly route the call to an appropriate PSAP based on the network and user-provided information. The CA will remain on the line and give the Emergency Service Provider the caller's telephone number, even if the caller is no longer on the line.

Minnesota Relay receives a number of calls each month from hearing individuals (non-relay users) who have reached the relay service when they intended to call Emergency Services (presumably these individuals dialed 711 instead of 911). In such instances, the CA alerts the voice caller that they have reached Minnesota Relay. If the caller stays on the line and/or requests that the CA dial 911 (in some emergency situations, the caller may be unable to redial) the CA will do so and process the call in the same manner as she/he would for any other emergency call received by relay. Please see Appendix I for copies of Minnesota Relay Emergency 911 Call Tracking Reports.

3. Relay Only Under Limited Circumstances

Minnesota Relay's TRS provider, CSD, has indicated that it is their opinion that in some emergencies valuable time could be lost if a TTY call was transferred to the PSAP, and the results could be life threatening. Therefore, Minnesota Relay processes direct TTY-to-TTY communication in the following scenarios, if allowed by the FCC:

- At the request of the caller
- At the request of the PSAP operator or PSAP supervisor

If the PSAP is not capable of receiving and conversing directly with the caller in the modality of the caller (i.e. VCO, HCO, STS, ASCII, VRS, or Internet Relay) or if the CA is having technical trouble transferring the call to the PSAP (i.e. the caller is disconnected from the PSAP; the PSAP cannot establish a TTY connection, etc.) the CA will assist, as necessary, to maintain communications between the PSAP and the caller. Otherwise, the CA will remain on the line to provide assistance as necessary to facilitate communication for all emergency calls and will not disconnect until the call has been completed.

4. Treat a Call as an Emergency Call When Unsure

When receiving a relay call that the CA suspects is an emergency call requiring a response from a PSAP, the CA will immediately treat the call as an emergency call and will make no attempt to determine if the call is an actual emergency or not.

5. No Questioning or Advice

The CA will not attempt to question the caller about the exact nature of the emergency, nor shall the CA attempt to give advice to the caller in response to the emergency. The CA will let the PSAP operator, who has the professional training to carry out those functions, deal with the emergency.

6. Allowance for Limited Transparency

When processing an emergency call, the CA is be able to facilitate the call to a greater degree than a normal relay call to the extent described below:

- a) The CA may inform the answering PSAP operator that the caller is a TTY user (or other type of relay user).
- b) The CA may inform the answering PSAP of the caller's disability, name and other information available to the CA from the caller's customer preference data and ANI data, if available.
- c) The CA does not have to be fully transparent (as is required in non-emergency verbatim relay) to the caller and PSAP operator if either the caller or PSAP operator request such non-transparency, or if in the professional opinion of the CA such limited non-transparency will greatly facilitate the PSAP operator's ability to understand or respond to the caller; and if the caller does not object. By far the greatest emphasis of each relayed emergency call shall be on transparent verbatim relay, and the use of non-transparency shall only be for temporary summarization or for interpretation of ASL gloss terminology. In all instances of non-transparency, the CA may not alter the relayed conversation, may not interfere with the independence of the caller, and may not interfere with the caller's control of the conversation. In each instance during an emergency call when a CA engages in non-transparency, the CA will first identify him/herself as the source of the talking or typing by indicating "Relay CA speaking" or similar language.
- d) The CA may stay on the line for the duration of a relay call connected to a PSAP, and in which case the CA shall remain in a listening or non-active mode unless called upon by either party for relay or other assistance or information, or unless it is obvious to the CA that either party needs non-transparent services (as described above) in order for effective communications to occur between the caller and the PSAP operator.
- e) Whenever a CA is providing non-transparent services, the CA will immediately cease such non-transparency if asked to do so by either the caller or by the PSAP operator. The request may be in any terminology, such as, "Please relay verbatim", "Repeat only what I type", "Just say what I type", etc.

- f) A relay supervisor may listen to an emergency call in process if deemed necessary by the TRS provider. The listening supervisor may not enter into the conversation in any manner unless the relay function is transferred to the supervisor.

7. Change of CAs During an Emergency Call

There will be no replacement of CAs during an emergency call, except to a supervisor who has been involved in the entire call.

8. Call Set-Up

When a CA places a call to a PSAP for either transferring the call or for relaying the call, the CA will, at a minimum, identify the call to the PSAP operator as a Minnesota Relay call, CA number [XXXX], and if the call is relayed, will establish the call with the normal relay instructions.

9. Training for Emergency Call Handling

All CAs and supervisors receive training specific to responding to emergency calls.

§64.604 (a)(5) STS Caller Numbers

§64.604 (a)(5) STS called numbers. Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.

Minnesota Relay's customer preference database is available to Speech-to-Speech (STS) users. The database can be used to store a list of names and telephone numbers that the STS user calls. The database automatically appears on the CA's terminal screen each time the STS user dials into Minnesota Relay. When the STS user requests one of these names, the CA will repeat the name and state the telephone number to the STS user. The customer preference database helps to facilitate call set up and conversing preferences for the STS user. Information contained in the Minnesota Relay customer preference database will be transferred to any new TRS provider.

47 C.F.R. § 64.604 (b) Technical Standards

§64.604 (b)(1) ASCII and Baudot

§64.604 (b) (1) ASCII and Baudot. TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use.

Each Minnesota Relay CA position is capable of receiving and transmitting in voice, Baudot including TurboCode™ and E-TurboCode™, as well as ASCII codes. Upon a call being received at the CA position, TTY signals are automatically identified as either Baudot or ASCII; if ASCII, the baud rate is detected. Intelligent modems allow the CA to handle either voice or data lines from the same CA work station.

This automatic identification of call types for incoming calls provides a quick and efficient technique for varied customer input and reduces the average CA work time to a minimum.

ASCII rates up to and including 19,200 bps are supported by the Minnesota Relay platform. The domestic TTY baud rate of 45.5 and the international rate of 50 baud are also supported.

Currently, ASCII and Baudot requirements are waived for CapTel relay service.

§64.604 (b)(2) Speed of Answer

§64.604 (b)(2) Speed of answer. (i) TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

CSD and Sprint use historical TRS call detail in combination with state-specific information to establish anticipated call patterns that accurately predict the personnel needs necessary to efficiently process relay calls.

Sprint's Traffic Management Control Center (TMCC) and Enhanced Services Operations Control Center (ESOCC) are staffed with professionals who understand call processes, call volumes, distribution patterns, contract requirements and call routing, thus ensuring compliance with state and federal TRS regulations and standards.

Performance of inbound traffic on each toll-free number where it enters the Sprint network is measured continuously and reported both daily and monthly. These measurements, which include traffic volume and blockage data, are compiled into a monthly report provided the TAM administrator. In addition, the dedicated trunk facilities that route the call from the terminating network switch to the ACD (Automatic Call Distributor) at the serving relay center are monitored daily for compliance with blockage limitations. These data are monitored for both short and long-term trends to ensure the most cost-effective use of resources.

§64.604 (b)(2)(ii) TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

Minnesota requires our TRS provider to, except during network failure, answer 90% of all calls within 10 seconds by any method which results in the caller's call immediately

being placed, not put in a queue or on hold. This requirement exceeds the federal minimum standard requiring 85% of all calls to be answered within 10 seconds.

Minnesota held a number of discussions with CSD and Sprint regarding the calculation used for Speed of Answer. Minnesota's TRS contract requires that Speed of Answer be measured as follows:

The numerator is the total number of calls answered within 10 seconds of reaching the relay center's network (switch) in such a way that the call is immediately handled and the denominator is the total number of calls received by the relay switch. All abandoned calls shall be included in the speed-of-answer calculation.

CapTel Average Speed of Answer and Service Level

For CapTel users, the number of calls that arrive at the CapTel call center will be the number of calls Offered. The number of calls that are answered by a CA is the number of calls Answered. The time for each call between the time the call arrives at the CapTel call center and the time answered by a CA until it is abandoned is the Speed of Answer.

Any time spent in the Voice-in telephone menu is time controlled by the user to enter in the phone number of the CapTel user they are calling. This time is subtracted out from the Speed of Answer time.

The total number of calls with the Speed of Answer as 10 seconds or less is the number of Qualifying calls. Qualifying calls divided by calls Offered = Service Level (x percent of calls answered within 10 seconds).

Weighted Average Speed of Answer and Service Level

CSD and Sprint sample the average answer time a minimum of every 30 minutes for each 24-hour period, and use a "weighted" process to combine the results of several call centers into a single result. CSD's explanation of "weighted" Average Speed of Answer (ASA) is:

"The 'weighted' ASA is a calculation that multiplies the number of 'State' calls handled in each call center by that center's ASA (the outcome is a factor called 'call seconds'). The resultant 'call seconds' for each call center that handled that 'State' traffic is then summed. The sum of the 'call seconds' is then divided by the total number of 'State' calls to get a daily 'weighted' ASA.

Likewise, the 'weighted' service level (SVL) is a calculation that multiplies the number of 'State' calls handled in each center by the center's daily SVL (the outcome is a factor called 'SVL points'). The resultant 'SVL points' for each center that handled that 'State' traffic is then summed. The sum of the 'SVL points' is then divided by the total number of 'State' calls to get a daily 'weighted' SVL.

CSD calculates an ASA and SVL on a daily and monthly basis. To accomplish this, CSD establishes how many 'State' calls were handled in each of our centers. In addition, CSD

also establishes an average answer time for each of our call centers. The center average answer time is a calculation of the total number of seconds calls were on 'hold' divided by the total number of calls handled (not state specific). This definition is consistent with Rockwell and industry standards. The center service level is expressed as a percent of calls answered within a targeted answer time. (Ex: 85% within 10 seconds)."

Sprint's Weighted Service Level for CapTel

While CapTel operates two CapTel call centers, all calls are directed through one Automatic Call Distributor switch. All calls are answered in the order received and is measured, unweighted, by this switch.

Please see Appendix J for Minnesota Relay's ASA and SVL statistics for January 2002 through August 2007. Note: Statistics for STS are based on ASL and SVL statistics from the CSD/Sprint center handling all STS calls (currently Dayton, OH). CapTel ASL and SVL statistics are only available beginning in April 2004.

§64.604 (b)(ii)(A) The call is considered delivered when the TRS facility's equipment accepts the call from the local exchange carrier (LEC) and the public switched network actually delivers the call to the TRS facility.

Minnesota Relay considers the call delivered when the relay center's equipment accepts the call from the Local Exchange Carrier (LEC) and the public switched network actually delivers the call to the TRS Center.

For Minnesota Relay, Sprint furnishes the necessary telecommunications equipment, facilities, and system software for TRS operation. Sprint is a certified Interexchange Carrier (IXC) in all 50 states. Sprint's transmission circuits meet, and in most cases, exceed the ANSI T1.506-1990 Network Performance – Transmission Specifications for Switched Exchange Access Network standards.

§64.604 (b)(ii)(B) Abandoned calls shall be included in the speed-of-answer calculation.

Please see §64.604 (b)(2)(ii) above.

§64.604 (b)(ii)(C) A TRS provider's compliance with this rule shall be measured on a daily basis.

Please see §64.604 (b)(2)(ii) above.

§64.604 (b)(ii)(D) The system shall be designed to a P.01 standard.

Minnesota's TRS contract requires that the average daily blockage rate for Minnesota Relay calls shall be no greater than P.01.

CSD and Sprint ensure sufficient transmission facilities have been provided to service all traffic levels, including busy hour peaks. Sprint utilizes trunks that are sized to provide a busy hour Grade of Service (GOS) of P.01 or a minimum of 99 out of 100 calls will have unrestricted and immediate access to the call center facilities during the busiest time of day.

Inbound calls that may be blocked within the Public Switched Telephone Network (PSTN) will receive a voice recording stating that all circuits are busy and to try the call again within a few minutes.

In addition, the dedicated trunk facilities that route the call from the terminating network switch to the ACD (Automatic Call Distributor) at the serving relay center are monitored daily for compliance with blockage limitations.

Sprint ensures no greater than 1% blockage on a daily basis. Through use of leading switch technology and SONET network survivability techniques, Sprint's network ensures a very low level of call interruption or blockage.

The Sprint network switch architecture is non-hierarchical; all switches are directly interconnected. Sprint switches are processor-controlled using advanced digital technology and are virtually non-blocking. A call across the Sprint network passes over Inter Machine Trunks (IMT) which are engineered at P.01 GOS at the busy hour to allow for maximum network call completion. Peak periods can exist when blockage rate and average answer time exceed the specifications. Call completion is enhanced by these factors:

- Based on traffic volumes and economic consideration, high usage trunk groups are established directly to a LEC access tandem or end office.
- Calls can originate and terminate on the same Sprint network switch, based on the NPA/NXX homing arrangement across the domestic switch network. For these calls, IMTs are not required and the calls are non-blocking.

CSD and Sprint switches are equipped with standby WATS capability. During conditions of severe network blockage, standby WATS is available to enhance call completion. Standby WATS trunks, which are normally outbound only, can be used to complete inbound traffic.

The P.01 GOS requirements ensure that at least 99% of calls to Minnesota Relay will reach a CA. The Local Exchange Carrier (LEC) network typically utilizes a P.01 grade of service also, and similar blockage rates should apply on their facilities.

§64.604 (b)(2)(ii)(E) A LEC shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS facility to relay administrators and TRS providers upon request.

Performance of inbound traffic on each toll-free number where it enters the Sprint network or relay center facility is measured continuously and reported both daily and monthly. These measurements, which include traffic volume and blockage data, are compiled into a monthly report made available to the TAM administrator.

§64.604 (b)(2)(iii) Speed of answer requirements for VRS providers are phased-in as follows: by January 1, 2006, VRS providers must answer 80% of all calls within 180 seconds, measured on a monthly basis; by July 1, 2006, VRS providers must answer

80% of all calls within 150 seconds, measured on a monthly basis; and by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation.

Not applicable; Minnesota Relay does not provide Video Relay Service.

§64.604 (b)(3) Equal Access to Interexchange Carriers

§64.604 (b)(3) Equal access to interexchange carriers. TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users.

Minnesota Relay provides callers with the ability to have their intrastate, interstate and international calls carried by any interexchange carrier who is available as a Carrier of Choice in Minnesota. Callers will be able to use any billing method made available by the requested carrier including collect, third party, prepaid and calling cards.

When a Minnesota Relay user indicates their COC preference, the CA will verify that the requested carrier is a COC for Minnesota. If the carrier is an available COC the call will be routed accordingly.

When a request for a COC is made via a customer preference form (mail, email, fax, Web site, etc.), and that carrier is not an available COC in Minnesota, CSD and Sprint will endeavor to inform the consumer that the chosen carrier is not a COC, to the extent that the consumer has provided call back or appropriate contact information.

When a Minnesota Relay user is placing a long distance call through relay and requests a carrier that is not a COC in Minnesota, the CA will so inform the caller. When a requested carrier is not available as a COC, CSD is required, by contract, to provide the TAM administrator with the carrier's name and the customer's contact information (if given). When notified that a relay user has requested a carrier that is not available as a COC in Minnesota, the TAM administrator will mail the carrier a letter informing them of their obligation to make their long distance services available through TRS. The carrier will also be provided with information on how to become a COC for Minnesota Relay. A copy of Minnesota Relay's COC letter is attached is Appendix K.

If a Minnesota Relay user places a long distance call through relay and does not specify their carrier of choice, the call will be carried and billed by Sprint.

In April 2007, DOC-TAM began a campaign to address carriers that may not be compliant with §64.604 (b)(3). DOC TAM sent letters to carriers that: hold an active certificate of authority to provide interexchange services in Minnesota; reported more than a minimal level of Minnesota intrastate interexchange services revenue (including all toll and interexchange private line services) in their 2005 annual report submitted to DOC; and are not currently listed as a COC for Minnesota Relay. DOC-TAM is currently working with long distance carriers, Sprint and the FCC in an effort to assist all applicable carriers become a COC for Minnesota Relay (see Appendix L for letters sent

by DOC-TAM to the FCC regarding interexchange carriers' compliance with this federal requirement.)

Current Carriers of Choice for Minnesota Relay are:

Ace Long Distance	Lakedale Telephone Company
ACS Connections Long Distance	LDDS
Albany Telephone Long Distance	Lismore Long Distance
Arrowhead Long Distance	Lonsdale Long Distance
AT&T	Loretel Long Distance
Barnesville Long Distance	Lowry Long Distance
Bell South Long Distance	Madelia Long Distance
Benton Telephone Long Distance	Mainstreet Long Distance
Blackduck Long Distance	MCI Communications Services
Broadwing Communication	McLeod USA
Broadwing Telecom	Melrose Long Distance
Cannon Valley Long Distance	Metromedia
CI Long Distance	Midwest Long Distance
Citizens Telecommunications	Milaca Local Link Long Distance
Comcast Phone	New Ulm Long Distance
CP Telecom	Norlight Telecommunications
Crosslake Long Distance	Northstar Access Long Distance
CTC Long Distance	Onvoy
CTI Long Distance	OPEX Communications
Delavan Long Distance	Osakis Long Distance
Dunnell Long Distance	Ottertail Telecom Long Distance
Eagle Valley Long Distance	Park Region Long Distance
Emily Long Distance	Peoples Long Distance
En-Tel Communications	Pine Island Long Distance
Farmers Mutual Long Distance	POPP.com
Federated Long Distance	Qwest
Felton Long Distance	Red River Long Distance
Frontier Communications	Reliance Telephone Systems
Frontier Telecom	Rothsay Long Distance
Garden Valley Long Distance	Runestone Long Distance
Gardonville Long Distance	SBC Long Distance
Global Crossing	Sleepy Eye Long Distance
Granada Long Distance	Sprint
Halstad Long Distance	St. James Long Distance
Hancock Long Distance	Sytek Communications Long Distance
Hickory Tech	Telecom USA
Home Telephone Long Distance	TDS Telecom
Hometown Solutions Long Distance	Unitel Long Distance
Integra Telecom	Verizon Long Distance
ITC Long Distance	Winnebago Cooperative Telephone
KMTC Long Distance	Wiltel

Windom Long Distance
Woodstock Long Distance
Working Assets
WorldCom
WTC Long Distance
10-10-220 Telecom USA
10-10-321 Telecom USA

10-10-502 WorldxChange
10-10-636 Clear Choice
10-10-752 EXCEL
10-10-811 Vartec
10-10-834 WorldxChange
10-10-987

§64.604 (b)(4) TRS Facilities

§64.604 (b)(4) TRS facilities. (i) TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not be provided every day, 24 hours a day, except VRS.

Minnesota Relay services (including CapTel) is available 24 hours per day, 365 days per year.

Minnesota Relay does not provide Video Relay Service.

§64.604 (b)(4)(ii) TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.

Service Reliability

CSD's and Sprint's switching system includes redundant Central Processors Units (CPUs) on hot stand-by. This includes a full maintenance and administrative terminal with keyboard, screen and printer capabilities, on-line system monitoring, and real-time programming capabilities. The maintenance and administrative terminal has the ability to perform preventative maintenance without taking the system off-line. In addition, on-line and off-line diagnostic routines identify system faults or failures at the individual board level.

Diagnostic procedures are continually processed by the switching system software to detect defective components before they are used. The Relay Network is designed to contend with weather-related challenges, power outages, and disasters. If one core switching system must shut down, the other core switching systems in the network remain operational and available to process calls, guaranteeing that communication is accessible at times when it is most needed.

During a major or minor service disruption, the dynamic call-routing feature bypasses the failed or degraded facility and immediately directs calls to the first available CA in any of CSD and Sprint's fully inter-linked TRS Call Centers. The transfer of calls between Centers is transparent to users.

The Minnesota Relay center is equipped with an Uninterruptible Power System (UPS) using a combination of standard battery backup and an auxiliary generator to ensure that Minnesota Relay has uninterrupted power even in the event of a power outage. This provides uninterrupted power for all key components including:

- The switch and its peripherals
- Switch room environment, including:
- Air conditioning, if required to maintain service
- Fire suppression systems
- Emergency lights and system alarms
- CA consoles/ terminals
- CA work site emergency lights
- Call Detail Recording (CDR)

The backup power generators are supplied with sufficient fuel to maintain operations for at least 24 hours. The generators can stay in service for longer periods of time as long as fuel is available.

Beyond the dynamic call router, Sprint and CSD have developed a Disaster Recovery Plan which details the steps that will be taken to deal with any problem, and restore Minnesota Relay to its full operating level in the shortest possible time. Please see Appendix M for Minnesota Relay's Disaster Recovery Plan.

Notification of Disaster

Within 30 minutes of any major problem that occurs CSD will immediately notify the TAM administrator. As a follow up, CSD will provide a written report to TAM administrator within three calendar days after the service as been restored. This written report will further explain how and when the problem occurred, what was required to fix the problem, as well as the time and date when the service for Minnesota Relay was restored back to full operations.

Sprint's Telecommunications Network

Sprint's service is provided over an all-fiber sophisticated management control networks that support backbone networks with digital switching architecture. These elements are combined to provide a highly reliable, proven, and redundant network. Survivability is a mandatory objective of the Sprint network design. The Sprint network minimizes the adverse effect of service interruptions due to equipment failures or cable cuts, network overload conditions, or regional catastrophes.

A 100 percent fiber-optic network provides critical advantages, including:

Quality

Since voice and data are transmitted utilizing fiber optic technology, the problems of outdated analog and even modern microwave transmission simply do not apply. Noise, electrical interference, weather-impacting conditions, and fading are virtually eliminated.

Economy

The overall quality, architecture, and advanced technology of digital fiber optics make transmission so dependable that it costs us less to maintain, thereby passing the savings on to Sprint customers.

Expandability

As demand for network capacity grows, the capacity of the existing single-mode fiber can grow. Due to the architecture and design of fiber optics, the capacity of the network can be upgraded to increase 2,000-fold.

Survivability

Network survivability is the ability of the network to cope with random disruptions of facilities and/or demand overloads. Sprint has established an objective to provide 100 percent capability to reroute backbone traffic during any single cable cut.

Network switched services are provided via 49 Northern Telecom DMS-250/300 switches at 29 locations nationwide. Three DMS-300s located at New York, NY; Fort Worth, TX; and Stockton, CA, serve as international gateways. The remaining 46 switches provide switching functions for Sprint's domestic switched services. Interconnection of the 49 switches is provided in a non-hierarchical manner. This means that inter-machine trunk (IMT) groups connect each switch with all other switches within the network. Each of these IMT groups is split and routed through the Sprint fiber network over SONET route paths for protection and survivability. As an extra precaution to preclude any call blockage, Dynamically Controlled Routing (DCR) provides an additional layer of tandem routing options when a direct IMT is temporarily busy.

Reliability is ensured through a corporate commitment to maintain or surpass our system objectives. Beginning with the network design, reliability and efficiency are built into the system. Sprint continues to improve the network's reliability through the addition of new technologies.

The effectiveness of this highly reliable and survivable network is attributed to the redundant transmission and switching hardware configurations, SONET ring topology, and sophisticated network management and control Centers. These factors combine to assure outstanding network performance and reliability for Minnesota.

Network Criteria

System Capacity

The Sprint network was built with the capacity to support every interLATA and intraLATA call available in the US. With the continuing development of network fiber transmission equipment to support higher speeds and larger bandwidth, the capacity of the Sprint network to support increasing customer requirements and technologies is assured well into the future.

Service Restoration

Sprint provides for the restoration of service in the event of equipment malfunctions, isolated network overloads, major network disruptions and national/civil emergency situations. In the event of service disruption due to Sprint's equipment, service typically is restored within four hours after notification. Sprint does everything possible to prevent a total outage at its switch sites or at any of its POPs through the use of advanced site designs. All processors, memory, and switch networks within our switches are fully redundant. All switch sites are protected by uninterruptible power supplies and halon

systems planned in conjunction with local fire departments. Most of our new sites are earth sheltered to increase survivability. A multi-pronged program is used to minimize outages:

Do everything possible to minimize the impact of a “single point of failure.” This includes:

- Diversification of all facilities’ demands between switch sites. All switch sites are connected to the long haul network over at least two separate Sprint fiber routes; many have three paths.
- Deployment of multiple switches at large switching centers. This prevents a single switch outage from disabling the site.
- Have systems in place allowing for the rapid redeployment of network resources in case of a catastrophic outage. Fiber cuts, which can affect thousands of calls at several locations, are sometimes unavoidable. Response to these outages is maximized through the following procedures:
- Utilization of established plans to respond effectively to these outages.
- The capability to rapidly deploy network transmission facilities when needed.
- Immediate execution of alternate routing in the digital switches and cross-connect systems to assist in the handling of temporary network disruptions and forced overloads.
- The entire spectrum of survivability needs, expectations, and requirements can be met by the proper engineering of customer and Sprint switches and facilities.

Fiber Backbone Loop Topology and Reconfiguration

Fiber optic cable routes are designed to include redundant capacity to insure survivable fiber optic systems. Sprint’s SONET network, using four-fiber bi-directional line switched ring capability, allows automatic switching to alternate paths to provide for traffic rerouting in the event of a route failure. The SONET fiber optic backbone topology is currently designed with more than 100 overlapping rings to ensure sufficient alternate paths for total network survivability.

Please see Appendix N for Sprint’s Route Outage Prevention Programs.

§64.604 (b)(5) Technology

§64.604 (b)(5) Technology. No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 et seq.

SS7 Technology

Minnesota’s TRS subcontractor, Sprint, has stated that it is in full compliance with 47 CFR §64.1600 et seq. of the FCC’s Rules for providing SS7 capability.

In order to achieve functional equivalence for Minnesota Relay users, Sprint will continue to provide Caller ID service through SS7 signaling where the 10-digit number of the calling party is passed through to the called-party for local and long-distance calls.

Sprint receives calling party identifying information including blocking information, from Minnesota Relay users. Sprint's Caller ID SS7 solution includes receiving the privacy bit information from the inbound relay caller as well as other SS7 call information elements such as:

- Calling Party Number
- Charge Number
- Originating Line Information
- Sprint passes through the calling party information (rather than 711 or the number of the Relay Center)

Captioned Telephone (CapTel) Relay Service

The FCC has determined captioned telephone service to be an enhanced form of Voice Carry Over (VCO) and is eligible for reimbursement from the Interstate TRS Fund. However, captioned telephone service is not currently mandated by the FCC.

Minnesota Relay participated in a captioned telephone (CapTel) trial from April 1, 2003, through January 31, 2004. The purpose of this trial was to evaluate CapTel technology for potential use as an additional form for providing TRS in Minnesota. On March 13, 2003, DOC-TAM submitted to the FCC a Notice of Substantive Change to Minnesota's Telecommunications Relay Services program for the implementation of a captioned telephone trial. A copy of this notice is provided in Appendix C.

In April 2003, the first month of the trial, Minnesota had 47 trial participants and 1,067 total CapTel calls for the month. By January 2004 the number of trial participants had increased to 148 and the total number of CapTel phone calls was 3,559.

After reviewing the positive consumer response during the CapTel trial, DOC-TAM determined it was in the best interest of Minnesotans to continue providing CapTel services. In February 2004, DOC-TAM began providing CapTel on a full-time basis available to all Minnesota consumers who wish to use this service. On June 4, 2004, DOC-TAM submitted to the FCC a Notice of Substantive Change to Minnesota's Telecommunications Relay Services program for the transition of CapTel from a limited "trial" service to being available to all Minnesotans 24 hours per day/365 days per year. A copy of this notice is provided in Appendix C.

CapTel call volume charts are provided in Appendix E.

Other Technology

For more information on Minnesota Relay technological enhancements, please see the list of Minnesota Relay features in Appendix O.

§64.604 (b)(6) Caller ID

§64.604 (b)(6) Caller ID. When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party.

Minnesota Relay offers a network-based Caller ID for all outbound calls, which traverse over Sprint's Integrated Services Digital Network (ISDN) and SS7 with FGD network. This feature supports Caller ID for all local and long distance calls. In all cases in which it is received, Minnesota Relay forwards the calling party's ANI to the terminating LEC for long-distance calls utilizing Sprint's Feature Group D trunks (FGD). As with standard telecommunications, the terminating LEC may or may not choose to use this ANI information as Caller ID information and pass this on to the terminating number. When passed through, the relay call recipient will be able to see the caller's phone number on their Caller ID display (the Caller ID option feature must first be purchased through their LEC). When not passed through, as with standard telecommunications, the call recipient will receive a message such as "OUT OF AREA" or "CALLER UNKNOWN."

47 C.F.R. § 64.604 (c) Functional Standards

§64.604 (c)(1) Consumer Complaint Logs

§64.604 (c)(1)(i) States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

Minnesota Relay users are able to file a complaint or commendation regarding Minnesota Relay services and personnel with the Minnesota Relay Consumer Relations Office (CRO), the TAM administrator, a relay center supervisor, a Sprint customer service representative or a CapTel Customer Service representative.

All complaints, whether received verbally or in writing, are documented on a standardized Consumer Contact form, in an electronic format. CSD and Sprint utilize a system called "Customer Service Live" (CS Live), and all entries into this system pertaining to Minnesota Relay are automatically routed (via programmed software) to the CRO to ensure proper documentation and any necessary follow up.

Complaint documentation includes date complaint was filed, whom the complaint was received by, type of relay call (e.g. VCO, HCO, Spanish, STS, captioned telephone VCO, etc.), customer contact information (if given), CA number (if applicable), category of complaint, nature of complaint, date of resolution, explanation of resolution, and complaint tracking number.

On a monthly basis the CRO submits copies of consumer complaints and commendations to the TAM administrator, who reviews the complaints to confirm that all required information is completed and monitors complaints to ensure that they are resolved in a

timely manner. The TAM administrator maintains a log of all Minnesota Relay complaints filed and submits the complaint logs to the FCC on annual basis.

§64.604 (c)(1)(ii) Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001.

The TAM administrator maintains a summary log of all consumer complaints received. By July 1 of each year the TAM administrator submits a complaint log summary to the FCC for a 12 month period ending May 31. Please see Appendix P for the past five Minnesota Relay complaint log summaries filed with the FCC.

§64.604 (c)(2) Contact Persons

§64.604 (c)(2) Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following: (i) The name and address of the office that receives complaints, grievances, inquiries, and suggestions; (ii) Voice and TTY telephone numbers, fax number, e-mail address, and web address; and (iii) The physical address to which correspondence should be sent.

Minnesota Relay has submitted applicable contact information to the FCC for consumer complaints. This information may be found on the FCC's Web site under TRS Points of Contact for Complaints at: http://ftp.fcc.gov/cgb/dro/trs_contact_list.html.

Information on Minnesota Relay services is available to consumers on the FCC's Web site under the Minnesota TRS Page at: http://www.fcc.gov/cgb/dro/trs_minnesota.html.

Minnesota Relay contact and services information is provided below:

Service Provider: Communication Service for the Deaf (CSD)

TRS Telephone Numbers:

7-1-1 In State (voice, TTY, ASCII)
1-800-627-3529 (voice, TTY, ASCII)
1-877-627-3848 (STS)
1-877-627-3024 (VCO Direct)
1-866-855-4611 (2-Line VCO)
1-877-627-5448 (Spanish)
1-900-246-3323 (900 access)

Web Site: www.mnrelay.org

Customer Service Numbers:

Sprint 24-hour Customer Service: 1-800-676-3777 (Voice/TTY/ASCII)

Sprint 24-hour Spanish Customer Service: 1-800-676-4290 (Voice/TTY/ASCII)

Sprint Customer Service E-mail: sprint.trscustserv@sprint.com

CapTel Customer Service: 1-888-269-7477 (Voice) / 1-800-482-2424 (TTY)

CapTel Spanish Customer Service: 1-866-670-9134

CapTel Customer Service E-mail: CapTel@CapTelMail.com

Consumer Relations Office: 651-602-9005 or 1-800-657-3775

Contacts for TRS Complaints:

Rochelle Renee Garrow, TAM Administrator

Minnesota Department of Commerce

85 Seventh Place East, Suite 600

St. Paul, MN 55101-3165

Phone: 651-296-0412 / 1-800-657-3599 (voice)

E-mail: mn.relay@state.mn.us

§64.604 (c)(3) Public Access to Information

§64.604 (c)(3) Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.

Telephone Directories, Bill Inserts and Newsletters

Annually, TAM administrator sends a letter to all telephone companies serving Minnesota consumers to remind them of their responsibility to ensure that their customers are aware of the availability and use of all forms of TRS as required by FCC 47 C.F.R. § 64.604(c)(3).

In 2006, DOC-TAM also required carriers to complete and return a *TRS – Public Access to Information* Compliance form to demonstrate compliance with the above federal regulation. By requiring carriers to complete and return a form **as well as copies of TRS material(s) distributed to their consumers**, TAM attained a higher rate of compliance, and was able to identify which carriers were not distributing TRS materials, or were distributing incorrect and/or incomplete information to consumers. A copy of the 2006 letter to telephone carriers and the compliance form are provided in Appendix Q.

A total of 273 letters were sent out to Local Exchange Carriers, Small Local Exchange Carriers and Competitive Local Exchange Carriers. TAM received approximately 140

submissions from telephone companies demonstrating their compliance with the FCC requirement. Submissions ranged from creative and encompassing to horribly outdated, incomplete and incorrect. When TAM receives a copy of a carrier's directory page, newsletter or bill insert and the item does not comply with the FCC requirement, TAM submits a letter to the carrier notifying them of their non-compliance. TAM requests that the carrier publish correct and compliant information, and that they submit a copy of this information to TAM once it is distributed to their customers (TAM issued 64 such return letters in 2006-2007).

TAM will continue to monitor compliance and advise telephone companies when they are not meeting the federal requirement. Samples of a telephone directory page, bill insert and newsletter information (see Appendix R) have been added to Minnesota Relay's Web site (www.mnrelay.org) so that carriers have access to up-to-date information on Minnesota Relay services.

Examples of carriers' 2006-2007 telephone directory pages, bill inserts and newsletter information are attached in Appendix S.

As per Minnesota Rule 7812.1000 telephone companies are required annually to provide their customers with a "Notice of Customer Rights", which must include information on hearing-impaired programs (see Appendix T.)

Minnesota Relay Consumer Relations Office

Minnesota Relay outreach is provided through Minnesota Relay's Consumer Relations Office (CRO). The CRO's main responsibilities are to educate the public about TRS and the Minnesota Relay, and to receive and resolve consumer complaints. The CRO currently consists of a senior manager who oversees outreach programs, receives and resolves consumer complaints, answers consumer questions and handles office administration; and two outreach specialists who conduct relay education, demonstrations and equipment training.

Outreach activities include the following:

- Contacting organizations to schedule presentations and/or to provide them with printed materials on Minnesota Relay services.
- Contacting hospitals, nursing homes, rehabilitation facilities, and other medical facilities to schedule presentations and/or to provide printed materials.
- Conducting presentations on a continual basis to American Sign Language I class students (i.e. at the University of Minnesota).
- Staffing a booth at exhibitions, seminars and the Minnesota State Fair.
- Conducting one-on-one training sessions for individuals who are having trouble using specialized telephone equipment (e.g. TTY, amplified telephone, VCO telephone, CapTel).
- Conducting "drop-in" visits at organizations that serve persons with hearing, speech or physical disabilities.
- Conducting specialized outreach for CapTel, STS and businesses.

Outreach presentations vary depending on audience needs. A typical presentation begins with background on the presenter, and consists of an introduction to relay, demonstration of equipment, and distribution of relay brochures and related materials. This is followed by question/answer time.

When presenting to a deaf or hard-of-hearing audience, more time is spent detailing the types of relay services that are applicable to their needs, such as Two-Line VCO, CapTel and Answering Machine Retrieval use.

When presenting to children, outreach staff makes learning fun by singing and signing the ABC's. A TTY is brought in for the children to type on and the process of calling a deaf friend is discussed and demonstrated. ASL bookmarks are distributed and the children are encouraged to ask questions.

Reports containing the CRO's outreach efforts are compiled monthly and forwarded to the TAM administrator. The CRO's monthly outreach summaries for 2003 - 2007 are attached in Appendix U.

Speech-to-Speech Outreach

Speech-to-Speech (STS) outreach activities include the following:

- Contacting organizations (hospitals, nursing homes, and rehabilitation facilities) to schedule presentations and/or to provide printed materials on STS.
- Performing one-on-one training with first time STS users and personal care attendants.
- Staffing a STS booth at conferences and seminars.
- Conducting training and providing information to ensure that usage of STS relay is fully incorporated in the Individual Education Plans (IEPs) of all speech-disabled persons within Minnesota's public and private school systems.
- Conducting "drop-in" visits to speech-disability related organizations.

STS outreach can vary greatly depending on the audience. During a presentation to a medical organization, outreach staff educates the audience on the types of individuals who would benefit from using STS relay (typically people with moderate to severe speech difficulties resulting from cerebral palsy, multiple sclerosis, muscular dystrophy, Huntington's chorea, amyotrophic lateral sclerosis, head injury, other degenerative diseases, laryngectomies, or the effects of stroke). The outreach specialist distributes informational materials and places an actual STS call. Placing a call to a person with a speech disability has proven to be a wonderful tool to demonstrate the level of training, skill and patience the STS CA's have, and how easy a call can be.

Another form of outreach utilized is a "drop in" visit. An outreach specialist will stop by other organizations located in the same area that a scheduled presentation is being given and offers "on the spot" training to the speech pathologists or rehabilitation people within the organization. This type of outreach has been extremely successful and well received.

Outreach specialists also provide one-on-one STS training. This type of outreach typically consists of an outreach specialist going to a consumer's home to provide STS

relay education and training. The outreach specialist may assist the consumer in placing a number of STS calls so the consumer feels comfortable with the call process and, more importantly, with the skill and professionalism of the relay's specially trained CAs. One-on-one outreach is also very effective, but is difficult to coordinate simply because many people are hesitant to invite someone into their home.

In 2003, STS was able to perform additional outreach through the media. In January, a 45-second STS spot was aired five times on Duluth news station KBJR. In March, a six-minute interview and call demonstration with an outreach staff person was aired 95 times on the South Washington County Cable Commission channel 16. In April, a northern Minnesota cable television show (*Voxpop*) conducted a 32-minute interview with an outreach staff person and ran this interview segment six (6) times.

CapTel Outreach

In 2004 TAM began a CapTel outreach campaign that included the development of a CapTel brochure and PowerPoint presentation, contributed articles in local publications and senior living newsletters, and print advertising (see ad in Appendix V). In July 2004, outreach staff began concentrating outreach efforts on late-deafened and hard-of-hearing consumers who may not be familiar with relay services, but could benefit from CapTel. Targeted demographics include seniors and their adult children/caregivers, senior living facilities, and consumer/medical organizations that offer support and services to deaf and hard-of-hearing persons.

Minnesota Relay Business Partner Outreach

In September 2007 TAM began a *new* outreach campaign designed to reduce or eliminate the hang-ups that relay users often experience when placing a call to a business.

The Business Partner outreach campaign includes educating businesses on Minnesota Relay services, training businesses and their employees on how to place and receive calls via Minnesota Relay, and providing businesses with the knowledge, awareness and confidence to connect with consumers who are hearing or speech disabled and use Minnesota Relay to place and receive telephone calls. Outreach staff will also provide businesses with information on how to recognize "scam" phone orders and how to protect their business from being defrauded.

TAM believes the Business Partner outreach campaign to be a win-win situation, as relay users will enjoy access to more businesses, while businesses will create opportunities to gain new customers.

Minnesota Relay outreach materials include:

- Minnesota Relay Brochure (English & Spanish)
- Voice Carry Over Brochure (English & Spanish)
- Speech-to-Speech Brochure (English & Spanish)
- Hearing Carry Over Brochure
- CapTel Brochure
- Minnesota Relay Bookmarks
- CapTel Magnifier/Bookmark
- Minnesota Relay Business Partner Outreach Folder

- Instruction Sheets
- Form to report a business that will not accept a Minnesota Relay call

Copies of outreach materials can be found in Appendix W.

Minnesota Relay Web Site

Minnesota Relay information and brochures are available on the Minnesota Relay Web site at: www.mnrelay.org.

Department of Human Services - Deaf and Hard of Hearing Services Division (DHHSD) Regional Advisory Committee Meetings

The DHHSD regional offices in Duluth, Moorhead, Bemidji, Mankato, St. Cloud, Rochester and St. Paul each have an advisory committee of consumers, advocates and professionals who work with people who are deaf, deaf/blind or hard of hearing.

The advisory committees each meet quarterly, and during these meetings consumer feedback is collected regarding Minnesota Relay services and provided to the TAM administrator.

§64.604 (c)(4) Rates

§64.604 (c)(4) Rates. TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

Minnesota Relay users are charged no more for services than for those charges paid by standard “voice” telephone users. Minnesota Relay users who either select Sprint as their interstate carrier, or who do not notify Minnesota Relay of their chosen interstate carrier, will be rated and invoiced by Sprint for long distance calls. Minnesota Relay users who select a preferred interstate carrier via the Minnesota Relay COC list, will be rated and invoiced by the selected interstate carrier.

By FCC jurisdiction, Sprint has two separate Message Telephone Service rates – one for interstate and one for intrastate. The table below exhibits the discounted rates off of Sprint’s Message Telephone System (MTS) rates.

	Intrastate	Interstate
Day (7 AM – 6:59 PM)	35%	50%
Evening (7 PM – 10:59 PM)	25%	50%
Night/weekend (11 PM – 6:59 AM; all day Saturday & Sunday)	10%	50%

Minnesota Relay bills the originating calling party for all completed outbound relay calls within 60 days of the calling date. Uncompleted calls (busy, no answer, and network intercepted calls) are not billed to the caller. Start time for customer billing of each relay call does not begin before the calling party is actually connected to the called party or to an answering machine or recorded message of the called party and relay has begun. End time for customer billing of each relay call is when either the caller or the called party hangs up; whichever occurs first. Customer billing does not include call setup or wrap up time of either the inbound or outbound call.

§64.604 (c)(5) Jurisdictional Separation of Costs

§64.604 (c)(5) Jurisdictional separation of costs.

(i) General. Where appropriate, costs of providing TRS shall be separated in accordance with the jurisdictional separation procedures and standards set forth in the Commission's regulations adopted pursuant to section 410 of the Communications Act of 1934, as amended.

Minnesota Relay observes all jurisdictional separation of costs as required by 47 C.F.R. § 64.604 (c)(5), Section 410 of the Communications Act of 1934, Minnesota Statute § 237.10, and Minnesota Rule 7810.6400 (see Appendix X for a copy of the referenced Minnesota statute and rule). All Minnesota Relay intrastate and interstate minutes are reported separately and distinctly to the state of Minnesota on the CSD invoice.

(ii) Cost recovery. Costs caused by interstate TRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism. Except as noted in this paragraph, with respect to VRS, costs caused by intrastate TRS shall be recovered from the intrastate jurisdiction. In a state that has a certified program under §64.605, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section. Costs caused by the provision of interstate and intrastate VRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism.

All Minnesota Relay local and intrastate minutes, 49% of Minnesota Relay toll free and 900 minutes, and 89% of Minnesota Relay two-line CapTel minutes are reimbursed through a fund established by the Minnesota Legislature. In accordance with Minnesota Statute § 237.52, Subd. 3, "Every telephone company or communications carrier that provides service capable of originating a telecommunications relay call, including cellular communications and other nonwire access services, in this state shall collect the charges established by the commission under subdivision 2 and transfer amounts collected to the commissioner of public safety in the same manner as provided in section 403.11, subdivision 1, paragraph (d). The commissioner of public safety must deposit the receipts in the fund established in subdivision 1." Minnesota's current TRS surcharge is \$0.06 per month, per access line.

All Minnesota Relay interstate and international minutes, 51% of Minnesota Relay toll free and 900 minutes, and 11% of Minnesota Relay two-line CapTel minutes are reimbursed by the TRS Interstate Fund administered by the National Exchange Carrier Association (NECA).

Minnesota Relay does not provide VRS or IP Relay services. All costs for the provision of interstate and intrastate VRS and IP Relay services are recovered from the TRS Interstate Fund administered by NECA.

All Minnesota Relay intrastate and interstate minutes are reported separately and distinctly to the state on a monthly invoice from CSD; CSD deducts minutes that are reimbursable through the TRS Interstate Fund and submits these minutes to NECA on a separate invoice.

§64.604 (c)(6) Complaints

§64.604 (c)(6)

(i) Referral of complaint. If a complaint to the Commission alleges a violation of this subpart with respect to intrastate TRS within a state and certification of the program of such state under §64.605 is in effect, the Commission shall refer such complaint to such state expeditiously.

Minnesota will accept, research and endeavor to resolve any complaint forwarded to the TAM administrator by the FCC.

(ii) Intrastate complaints shall be resolved by the state within 180 days after the complaint is first filed with a state entity, regardless of whether it is filed with the state relay administrator, a state PUC, the relay provider, or with any other state entity.

In the event that the Minnesota Department of Commerce-Telecommunications Access Minnesota (DOC-TAM) fails to take action within 180 days after a complaint is filed regarding Minnesota Relay services or personnel, DOC-TAM understands that the FCC shall exercise jurisdiction over the complaint. DOC-TAM also understands that failure to meet the deadlines for complaint resolution may adversely affect the continued certification of the Minnesota Relay [see C.F.R. § 64.605 (c) (6) (iii)].

Minnesota Relay users are able to file a complaint or commendation regarding Minnesota Relay services and personnel with the Minnesota Relay Consumer Relations Office (CRO), the TAM administrator, a relay center supervisor, a Sprint customer service representative, or a CapTel Customer Service representative.

All complaints, whether received verbally or in writing, are documented on a standardized Consumer Contact form, in an electronic format. All Minnesota Relay complaints are automatically routed (via programmed software) to the CRO for any necessary follow up, and to ensure all complaints are resolved in a timely manner.

If a complaint concerns a specific Communication Assistant (CA), a relay center supervisor follows up and resolves the complaint. The supervisor will:

- Handle all service type complaints.
- Address complaints regarding a specific CA with that CA and provide additional training if necessary.
- Follow up with customers if requested by the customers.

If the complaint concerns a specific technical issue, a trouble ticket is filed and the ticket number is documented on the Customer Contact form. The ticket will be investigated and resolved by an on-site technician. The Sprint Relay program manager assigned to Minnesota is responsible for tracking all technical complaints and following-up with customers on resolutions.

If a miscellaneous complaint is filed with customer service, a copy is faxed to both the Sprint Relay program manager and the CRO manager for resolution and follow-up with the customer.

The CRO submits copies of consumer complaints to the TAM administrator on a monthly basis. The TAM administrator monitors complaints to ensure resolution within 180 days after a complaint is filed.

When a Minnesota Relay user requests to use an interexchange carrier that is not a designated COC in Minnesota, the TAM administrator contacts the carrier and provides information on the steps necessary to become a COC for Minnesota Relay. If the carrier is unresponsive to correspondences and phone calls, or does not complete the steps necessary to become a COC for Minnesota Relay in a timely manner, the Minnesota Relay user's request is forwarded to the FCC for resolution under interstate jurisdiction. The following requests for interexchange carriers have been forwarded to the FCC:

1. Comcast; forwarded to the FCC on April 25, 2006.
2. CP Telecom; forwarded to the FCC on May 4, 2006.
3. Frontier Communications; forwarded to the FCC on May 23, 2006.
4. Enhanced Communications Group, LLC; forwarded to the FCC on May 23, 2007.

Copies of the above letters are provided in Appendix L.

The TAM administrator forwards all VRS and IP Relay complaints directly to the FCC.

§64.604 (c)(7) Treatment of TRS Customer Information

§64.604 (c)(7) Treatment of TRS customer information. Beginning on July 21, 2000, all future contracts between the TRS administrator and the TRS vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order.

Minnesota's current TRS contract with CSD states: "In accordance with FCC 47 C.F.R. § 64.604 (c)(7) the Contract Vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order."

47 C.F.R. § 64.605 – VRS and IP Relay and State TRS Program Certification

47 C.F.R. §64.605 (a) Documentation

§64.605 (a)(1) Certified State Program

§64.605 (a)(1) Certified state program. Any state, through its office of the governor or other delegated executive office empowered to provide TRS, desiring to establish a state program under this section shall submit, not later than October 1, 1992, documentation to the Commission addressed to the Federal Communications Commission, Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program, Washington, DC 20554, and captioned "TRS State Certification Application." All documentation shall be submitted in narrative form, shall clearly describe the state program for implementing intrastate TRS, and the procedures and remedies for enforcing any requirements imposed by the state program. The Commission shall give public notice of states filing for certification including notification in the Federal Register.

As per Minnesota Statute § 237.51, Subd. 1 "The commissioner of commerce shall . . . contract with a qualified vendor that serves communication-impaired persons to create and maintain a telecommunications relay services." It is under this authority that the DOC-TAM submits documentation for Minnesota's TRS State Certification Application. Documentation is submitted in narrative form, clearly describes the state's program for implementing intrastate TRS, and describes the procedures and remedies for enforcing all program requirements imposed by the state of Minnesota.

DOC-TAM is confident that Minnesota Relay meets or exceeds all operational, technical, and functional minimum standards contained in 47 C.F.R. § 64.604. In instances where Minnesota Relay exceeds certain minimum standards, to the best of our knowledge, the act of doing so is not in conflict with federal law.

A copy of Minnesota's most recent RFP released for the provision of TRS and associated outreach is provided in Appendix B.

§64.605 (c)(1)(d) Method of funding. Except as provided in § 64.604, the Commission shall not refuse to certify a state program based solely on the method such state will implement for funding intrastate TRS, but funding mechanisms, if labeled, shall be labeled in a manner that promote national understanding of TRS and do not offend the public.

Intrastate TRS Funding Mechanism

Minnesota Relay intrastate TRS calls are funded by a surcharge on each wired and wireless telephone access line in the state of Minnesota and are reimbursed through the Telecommunications Access Minnesota (TAM) Fund (see Minnesota Statute § 237.52.)

Labeling of Intrastate TRS Funding Mechanism

In a July 14, 1993, Order the Minnesota Public Utilities Commission directed telephone companies to identify the TAM surcharge as "tele-relay" on customer bills. Minnesota

Statute § 237.49 requires telephone companies to list the TAM, Telephone Assistance Plan, and 911 surcharges as one amount on a billing statement sent to a subscriber.

Appendix Y contains a copy of the Minnesota Public Utilities Commission's Order, Minnesota Statute § 237.49 and a telephone bill demonstrating how the TAM surcharge is labeled.

§64.605 (c)(f)(1) Notice of substantive change. (1) States must notify the Commission of substantive changes in their TRS programs within 60 days of when they occur, and must certify that the state TRS program continues to meet federal minimum standards after implementing the substantive change.

The TAM administrator has notified the FCC of the following substantive changes to Minnesota's TRS program during this certification period:

1. Notification of a captioned telephone (CapTel) trial in Minnesota.
2. Notification of transition of CapTel from a trial service to full service available to all Minnesotans on a 24 hour per day, 365 days per year basis.
3. Notification of a new TRS contract in Minnesota resulting in a change of Minnesota Relay's TRS provider and service requirements.

Minnesota's TRS program continued to meet federal minimum standards after implementing each of the above substantive changes. Copies of the three notices are attached in Appendix C.

Telecommunications Service Priority Program

On May 11, 2005, Sprint began implementing its Telecommunications Relay Services (TRS) in the FCC's Telecommunications Service Priority (TSP) program. On October 31, Sprint successfully activated all 14 call centers under the TSP program. Sprint's participation in the TSP Program strengthens their already robust reliability.

In 1988, the TSP program was established to prioritize the restoration of telephone service to critical facilities and agencies at times when telecommunications companies are typically overburdened with service requests, such as after a natural disaster. In the event of a regional or national crisis, the program restores telephone services most critical to national and homeland security on a priority basis. Participation in the TSP program ensures that the Sprint relay call centers are placed on a priority basis to re-establish telephone service for Minnesota Relay users.

The Sprint relay call centers participating in TSP are:

1. Albuquerque Switch (Albuquerque, NM and Honolulu, HI)
2. Austin Switch (Austin, TX and Lubbock, TX)
3. Dayton Switch (Dayton, OH and Cayce, SC)
4. Independence Switch (Independence, MO)
5. Jacksonville Switch (Jacksonville, FL)
6. Lemoore Switch (Lemoore, CA)
7. New Jersey Switch (Vineland, NJ)
8. Sioux Falls Switch (Sioux Falls, SD and Moorhead, MN)
9. Syracuse Switch (Syracuse, NY and Holyoke, MA)

Appendices

Appendix A

*Minnesota Statute § 237.50-237.56 and
Minnesota Rules, Chapter 8775*

Minnesota Statutes 2006

Chapter 237. Telecommunications

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237.50 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in sections [237.50](#) to [237.56](#) have the meanings given them in this section.

Subd. 2. [Repealed, 1995 c 190 s 17]

Subd. 3. **Communication impaired.** "Communication impaired" means certified as deaf, severely hearing impaired, hard-of-hearing, speech impaired, deaf and blind, or mobility impaired if the mobility impairment significantly impedes the ability to use standard customer premises equipment.

Subd. 4. **Communication device.** "Communication device" means a device that when connected to a telephone enables a communication-impaired person to communicate with another person utilizing the telephone system. A "communication device" includes a ring signaler, an amplification device, a telephone device for the deaf, a Braille device for use with a telephone, and any other device the Department of Human Services deems necessary.

Subd. 4a. **Deaf.** "Deaf" means a hearing impairment of such severity that the individual must depend primarily upon visual communication such as writing, lip reading, manual communication, and gestures.

Subd. 5. **Exchange.** "Exchange" means a unit area established and described by the tariff of a telephone company for the administration of telephone service in a specified geographical area, usually embracing a city, town, or village and its environs, and served by one or more central offices, together with associated facilities used in providing service within that area.

Subd. 6. **Fund.** "Fund" means the telecommunications access Minnesota fund established in section [237.52](#).

Subd. 6a. **Hard-of-hearing.** "Hard-of-hearing" means a hearing impairment resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

Subd. 7. **Interexchange service.** "Interexchange service" means telephone service between points in two or more exchanges.

Subd. 8. **Inter-LATA interexchange service.** "Inter-LATA interexchange service" means interexchange service originating and terminating in different LATAs.

Subd. 9. **Local access and transport area.** "Local access and transport area (LATA)" means a geographical area designated by the Modification of Final Judgment in U.S. v. Western Electric Co., Inc., 552 F. Supp. 131 (D.D.C. 1982), including modifications in effect on the effective date of sections [237.51](#) to [237.54](#).

Subd. 10. **Local exchange service.** "Local exchange service" means telephone service between points within an exchange.

Subd. 11. **Telecommunication relay service.** "Telecommunication relay service" means a central statewide service through which a communication-impaired person, using a communication device, may send and receive messages to and from a non-communication-impaired person whose telephone is not equipped with a communication device and through which a non-communication-impaired person may, by using voice communication, send and receive messages to and from a communication-impaired person.

History: 1987 c 308 s 1,8; 1988 c 621 s 2; 1993 c 272 s 2-6,17; 1995 c 190 s 1; 2004 c 228 art 1 s 74

237.51 TELECOMMUNICATIONS ACCESS MINNESOTA PROGRAM ADMINISTRATION.

Subdivision 1. **Creation.** The commissioner of commerce shall:

(1) administer through interagency agreement with the commissioner of human services a program to distribute communication devices to eligible communication-impaired persons; and
(2) contract with a qualified vendor that serves communication-impaired persons to create and maintain a telecommunication relay service. For purposes of sections [237.51](#) to [237.56](#), the Department of Commerce and any organization with which it contracts pursuant to this section or section [237.54, subdivision 2](#), are not telephone companies or telecommunications carriers as defined in section [237.01](#).

Subd. 2.[Repealed, 1995 c 190 s 17]

Subd. 3.[Repealed, 1995 c 190 s 17]

Subd. 4.[Repealed, 1995 c 190 s 17]

Subd. 5. **Commissioner of commerce duties.** In addition to any duties specified elsewhere in sections [237.51](#) to [237.56](#), the commissioner of commerce shall:

(1) prepare the reports required by section [237.55](#);
(2) administer the fund created in section [237.52](#); and
(3) adopt rules under chapter 14 to implement the provisions of sections [237.50](#) to [237.56](#).

Subd. 5a. **Department of Human Services duties.** (a) In addition to any duties specified elsewhere in sections [237.51](#) to [237.56](#), the commissioner of human services shall:

(1) define economic hardship, special needs, and household criteria so as to determine the priority of eligible applicants for initial distribution of devices and to determine circumstances necessitating provision of more than one communication device per household;
(2) establish a method to verify eligibility requirements;
(3) establish specifications for communication devices to be purchased under section 237.53, subdivision 3 ; and

(4) inform the public and specifically the community of communication-impaired persons of the program.

(b) The commissioner may establish an advisory board to advise the department in carrying out the duties specified in this section and to advise the commissioner of commerce in carrying out duties under section [237.54](#). If so established, the advisory board must include, at a minimum, the following communication-impaired persons:

- (1) at least one member who is deaf;
- (2) at least one member who is speech impaired;
- (3) at least one member who is mobility impaired; and
- (4) at least one member who is hard-of-hearing.

The membership terms, compensation, and removal of members and the filling of membership vacancies are governed by section [15.059](#). Advisory board meetings shall be held at the discretion of the commissioner.

Subd. 6. [Repealed, 1995 c 190 s 17]

History: 1987 c 186 s 15; 1987 c 308 s 2,8; 1988 c 621 s 3; 1990 c 571 s 41; 1990 c 598 s 3; 1992 c 430 s 1,2; 1992 c 518 s 1; 1993 c 272 s 7-11,17; 1995 c 190 s 2-4; 1998 c 386 art 2 s 70; 1999 c 149 s 1; 1Sp2001 c 4 art 6 s 60-62; 2002 c 329 s 2

237.52 TELECOMMUNICATIONS ACCESS MINNESOTA FUND.

Subdivision 1. **Fund established.** A telecommunications access Minnesota fund is established as an account in the state treasury. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the fund.

Subd. 2. **Assessment.** (a) The commissioner of commerce, the commissioner of employment and economic development, and the commissioner of human services shall annually recommend to the commission an adequate and appropriate surcharge and budget to implement sections [237.50](#) to [237.56](#), [248.062](#), and [256C.30](#), respectively. The maximum annual budget for section [248.062](#) must not exceed \$100,000 and for section [256C.30](#) must not exceed \$300,000. The Public Utilities Commission shall review the budgets for reasonableness and may modify the budget to the extent it is unreasonable. The commission shall annually determine the funding mechanism to be used within 60 days of receipt of the recommendation of the departments and shall order the imposition of surcharges effective on the earliest practicable date. The commission shall establish a monthly charge no greater than 20 cents for each customer access line, including trunk equivalents as designated by the commission pursuant to section [403.11, subdivision 1](#).

(b) If the fund balance falls below a level capable of fully supporting all programs eligible under subdivision 5 and sections [248.062](#) and [256C.30](#), expenditures under sections [248.062](#) and [256C.30](#) shall be reduced on a pro rata basis and expenditures under sections [237.53](#) and [237.54](#) shall be fully funded. Expenditures under sections [248.062](#) and [256C.30](#) shall resume at fully-funded levels when the commissioner of commerce determines there is a sufficient fund balance

to fully fund those expenditures.

Subd. 3. **Collection.** Every telephone company or communications carrier that provides service capable of originating a telecommunications relay call, including cellular communications and other nonwire access services, in this state shall collect the charges established by the commission under subdivision 2 and transfer amounts collected to the commissioner of public safety in the same manner as provided in section [403.11, subdivision 1](#), paragraph (d). The commissioner of public safety must deposit the receipts in the fund established in subdivision 1.

Subd. 4. **Appropriation.** Money in the fund is appropriated to the commissioner of commerce to implement sections [237.51](#) to [237.56](#), to the commissioner of employment and economic development to implement section [248.062](#), and to the commissioner of human services to implement section [256C.30](#).

Subd. 5. **Expenditures.** (a) Money in the fund may only be used for:

(1) expenses of the Department of Commerce, including personnel cost, public relations, advisory board members' expenses, preparation of reports, and other reasonable expenses not to exceed ten percent of total program expenditures;

(2) reimbursing the commissioner of human services for purchases made or services provided pursuant to section [237.53](#);

(3) reimbursing telephone companies for purchases made or services provided under section [237.53, subdivision 5](#); and

(4) contracting for establishment and operation of the telecommunication relay service required by section [237.54](#).

(b) All costs directly associated with the establishment of the program, the purchase and distribution of communication devices, and the establishment and operation of the telecommunication relay service are either reimbursable or directly payable from the fund after authorization by the commissioner of commerce. The commissioner of commerce shall contract with the message relay service operator to indemnify the local exchange carriers of the relay service for any fines imposed by the Federal Communications Commission related to the failure of the relay service to comply with federal service standards. Notwithstanding section [16A.41](#), the commissioner may advance money to the contractor of the telecommunication relay service if the contractor establishes to the commissioner's satisfaction that the advance payment is necessary for the operation of the service. The advance payment may be used only for working capital reserve for the operation of the service. The advance payment must be offset or repaid by the end of the contract fiscal year together with interest accrued from the date of payment.

History: 1987 c 308 s 3,8; 1988 c 621 s 4; 1992 c 518 s 2; 1993 c 272 s 12,13,17; 1995 c 190 s 5-7; 1995 c 201 s 1; 1Sp2001 c 4 art 6 s 63-65; 2002 c 329 s 3; 1Sp2003 c 1 art 2 s 67; 2005 c 81 s 1,2

237.53 COMMUNICATION DEVICE.

Subdivision 1. **Application.** A person applying for a communication device under this section must apply to the program administrator on a form prescribed by the Department of Human Services.

Subd. 2. **Eligibility.** To be eligible to obtain a communication device under this section, a person must be:

- (1) able to benefit from and use the equipment for its intended purpose;
- (2) communication impaired;
- (3) a resident of the state;
- (4) a resident in a household that has a median income at or below the applicable median household income in the state, except a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and
- (5) a resident in a household that has telephone service or that has made application for service and has been assigned a telephone number; or a resident in a residential care facility, such as a nursing home or group home where telephone service is not included as part of overall service provision.

Subd. 3. **Distribution.** The commissioner of human services shall purchase and distribute a sufficient number of communication devices so that each eligible household receives an appropriate device. The commissioner of human services shall distribute the devices to eligible households in each service area free of charge as determined under section [237.51, subdivision 5a](#).

Subd. 4. **Training; maintenance.** The commissioner of human services shall maintain the communication devices until the warranty period expires, and provide training, without charge, to first-time users of the devices.

Subd. 5. **Wiring installation.** If a communication-impaired person is not served by telephone service and is subject to economic hardship as determined by the Department of Human Services, the telephone company providing local service shall at the direction of the administrator of the program install necessary outside wiring without charge to the household.

Subd. 6. **Ownership.** All communication devices purchased pursuant to subdivision 3 will become the property of the state of Minnesota.

Subd. 7. **Standards.** The communication devices distributed under this section must comply with the electronic industries association standards and approved by the Federal Communications Commission. The commissioner of human services must provide each eligible person a choice of several models of devices, the retail value of which may not exceed \$600 for a communication device for the deaf, and a retail value of \$7,000 for a telebraille device, or an amount authorized by the Department of Human Services for a telephone device for the deaf with auxiliary equipment.

Subd. 8.[Repealed, 1988 c 621 s 19]

History: 1987 c 308 s 4,8; 1988 c 621 s 5-8; 1993 c 272 s 17; 1995 c 190 s 8-11; 1995 c 201 s 2

237.54 TELECOMMUNICATION RELAY SERVICE.

Subdivision 1.[Repealed, 1995 c 190 s 17]

Subd. 2. **Operation.** (a) The commissioner of commerce shall contract with a qualified vendor for the operation and maintenance of the telecommunication relay system.

(b) The telecommunication relay service provider shall operate the relay service within the state of Minnesota. The operator of the system shall keep all messages confidential, shall train personnel in the unique needs of communication-impaired people, and shall inform communication-impaired persons and the public of the availability and use of the system. Except in the case of a speech- or mobility-impaired person, the operator shall not relay a message unless it originates or terminates through a communication device for the deaf or a Braille device for use with a telephone.

History: 1987 c 308 s 5,8; 1993 c 272 s 14,17; 1995 c 190 s 12; 1Sp; 2001 c 4 art 6 s 66; 2002 c 329 s 4

237.55 ANNUAL REPORT ON COMMUNICATION ACCESS.

The commissioner of commerce must prepare a report for presentation to the commission by January 31 of each year. Each report must review the accessibility of the telephone system to communication-impaired persons, review the ability of non-communication-impaired persons to communicate with communication-impaired persons via the telephone system, describe services provided, account for money received and disbursed annually for each aspect of the program to date, and include predicted future operation.

History: 1987 c 308 s 6,8; 1993 c 272 s 15,17; 1995 c 190 s 13; 1Sp2001 c 4 art 6 s 67

237.56 ADEQUATE SERVICE ENFORCEMENT.

The services required to be provided under sections [237.50](#) to [237.55](#) may be enforced under section [237.081](#) upon a complaint of at least two communication-impaired persons within the service area of any one telephone company, provided that if only one person within the service area of a company is receiving service under sections [237.50](#) to [237.55](#), the commission may proceed upon a complaint from that person.

History: 1987 c 308 s 7,8; 1993 c 272 s 17

Minnesota Rules, Chapter 8775.

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8775.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Applicable median income.** "Applicable median income" means the median gross income in Minnesota as estimated by the Bureau of the Census in the most recent annual announcement of the United States Department of Health and Human Services Family Support Administration, published in the Federal Register. These announcements are incorporated by reference.

Subp. 3. **Appropriate communication device.** "Appropriate communication device" means a communication device that most efficiently allows access to the telephone system by a communication-impaired person.

Subp. 4. **Blind.** A person is "blind" if central visual acuity does not exceed 20/200 in the better eye with corrective lenses or, if greater than 20/200, visual acuity is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Subp. 5. **Board.** "Board" means the Telecommunication Access for Communication-impaired Persons Board established in Minnesota Statutes, section [237.51](#).

Subp. 6. **Communication device.** "Communication device" means a device that when connected to a telephone enables a communication-impaired person to communicate with another person using the telephone system. A communication device includes a ring signaler, an amplification device, a telecommunications device for the deaf (TDD), a braille device for use with the telephone system, and any other device the board considers necessary.

Subp. 7. **Communication-impaired person.**

"Communication-impaired person" means a person determined by the division to be deaf, deaf and blind, hard-of-hearing, mobility impaired, or speech impaired as defined by subparts 8, 9, 12, 16a, and 20.

Subp. 8. **Deaf.** "Deaf" means a hearing impairment of such severity that the individual must depend primarily upon visual communication such as writing, lip reading, manual communication, and gestures. A deaf person requires use of a telecommunications device for the deaf (TDD) to communicate effectively on the telephone.

Subp. 9. **Deaf and blind.** "Deaf and blind" means the conditions of a person who is (1) deaf or has a severe to profound hearing loss and (2) blind or visually impaired. A person affected by these conditions requires use of a braille device for use with the telephone system or other specially designed system to communicate effectively on the telephone.

Subp. 10. **Division.** "Division" means the Deaf and Hard of Hearing Services Division of the Minnesota Department of Human Services.

Subp. 11. **Economic hardship.** "Economic hardship" means an economic condition or level of subsistence on a household income that is at or below 60 percent of the applicable median income in the state.

Subp. 12. **Hard-of-hearing.** "Hard-of-hearing" means a hearing impairment resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication. Some of the effects of the impairment can be overcome with proper amplification. A person that is hard-of-hearing may require a communication device to communicate effectively on the telephone.

Subp. 13. [Repealed, 19 SR 1666]

Subp. 14. **Household criteria.** For determining priority when initially distributing equipment or receiving more than one communication device, "household criteria" means the higher priority given for a household having more than one communication-impaired person or for a household with a communication-impaired person living alone.

Subp. 15. **Household income.** "Household income" means the total income of a communication-impaired person and immediate family living in the same residence. The immediate family includes spouse and minor children. The income of a minor child must be included when the dependent minor child is under 15 years of age and residing with the parents or custodial parent. If the communication-impaired person is a minor child, then parents and siblings residing with the minor are immediate family.

Subp. 16. **Income.** "Income" means money received in the preceding calendar year from each of the following sources:

- A. money, wages, or salary;
- B. net income from nonfarm employment as defined for federal tax purposes;
- C. net income from farm self-employment as defined for federal taxes;
- D. income from any social security program;
- E. supplemental social security income;
- F. public assistance or welfare payments;
- G. interest on savings or other investments that pay interest;
- H. dividend income from estates or trusts, or net rental income;
- I. veterans' payments, unemployment compensation payments, and workers' compensation payments;
- J. private or public employee pensions; and
- K. alimony, child support, regular contributions from persons not living in the household, and other periodic income. This definition of income comes from that of the Bureau of the Census and is interpreted according to its standards as published in "Consumer Income," series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985. These

standards are incorporated by reference, are not subject to frequent change, and are located in the government publications reference department of the University of Minnesota and in the Minitex interlibrary loan system.

Subp. 16a. **Mobility impaired.** "Mobility impaired" means a motor skill condition that significantly impedes a person's ability to use standard customer premises telephone equipment. A mobility-impaired person may require the use of a communication device with auxiliary equipment to communicate on the telephone.

Subp. 17. **Resident of Minnesota.** "Resident of Minnesota" means an individual who lives in Minnesota or who has moved to Minnesota and intends to remain in Minnesota.

Subp. 18. **Significant visual impairment.** "Significant visual impairment" means a visual disability that does not constitute legal blindness but which constitutes a substantial handicap to employment or limits the person's ability to live independently, perform self-care activities, or grow and develop.

Subp. 19. **Special needs.** "Special needs" means the needs of an eligible person that may require that the person be given priority when initially distributing the equipment or be given more than one communication device because of severity of communication impairment or presence of multiple disabilities.

Subp. 20. **Speech impaired.** "Speech impaired" means a condition that renders a person physically incapable of speaking clearly. The severity of the impairment may vary; however, it renders speech on an ordinary telephone unintelligible or impossible and requires a communication device to communicate effectively on the telephone.

Subp. 21. **TAM.** "TAM" means Telecommunications Access Minnesota.

STAT AUTH: MS s [237.51](#)

HIST: 14 SR 848; 19 SR 1666; L 2004 c 228 art 1 s 74

Current as of 08/26/04

8775.0200 PURPOSE AND CONSTRUCTION.

The purpose of this chapter is to develop and implement a statewide program to distribute telephone communication devices to eligible communication-impaired persons for improving access to telephone communications services for communication-impaired persons. This chapter is to be liberally construed to further these purposes.

STAT AUTH: MS s [237.51](#)

HIST: 14 SR 848

Current as of 08/26/04

8775.0300 ELIGIBILITY FOR TAM SERVICES.

Subpart 1. **Information provided.** On request, the division shall offer to a person an application form developed by the division and a brochure that describes the TAM eligibility requirements and application process.

Subp. 2. **Application process.** The applicant shall complete the application form and return it to the division's regional service center for deaf and hard-of-hearing people. An application may be made by the applicant, the applicant's spouse, or a person authorized by the applicant to act in the applicant's behalf. All documentation must be provided within 30 days of the first interview with the division. The applicant shall provide medical documentation of communication impairment on request.

Subp. 3. **Documenting, verifying, and reviewing eligibility.** The division shall verify the applicant's household income, age, and access to telephone service, and that the applicant is a communication-impaired person. If the division becomes aware that a condition of eligibility has changed, the division may redetermine eligibility:

A. Within 30 days, an applicant shall document income or authorize the division to verify the income. The division shall help an applicant or recipient obtain documents that the applicant does not possess and cannot obtain. Information previously verified and retained by the division need not be verified again unless the information no longer applies to current circumstances.

B. The division shall not request information about an applicant for or recipient of TAM services that is not of public record from a source other than within the division without the applicant's or recipient's previous written consent. The division may request information about an applicant or recipient that is not of public record from the telephone companies by obtaining the applicant's or recipient's previous written consent on an application or redetermination form. The division shall not provide third parties with access to information about an applicant's eligibility status or other case record information without the previous written consent of that applicant or recipient, except when access to specific case information is granted to agencies designated by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13. Information designated as confidential by the Minnesota Government Data Practices Act may only be made available to agencies granted access under that law and must not be provided to an applicant, recipient, or third party.

C. The division shall inform the recipient of the recipient's responsibility to report permanent changes in circumstances that affect eligibility within ten days of each change.

Subp. 4. **Eligibility criteria.** To be eligible for the TAM program, a person must:

- A. be at least five years of age;
- B. be a communication-impaired person;
- C. be a resident of Minnesota;
- D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a braille device for use with the telephone system may

reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

E. have or have applied for telephone service and been assigned a telephone number. A person who at the time of application does not have telephone service, but meets all other eligibility requirements, will be declared "conditionally eligible" and, in order to be declared "eligible," must apply for telephone service and be assigned a telephone number.

Subp. 5. Persons not eligible. Persons who are residents of a residential or treatment facility that directly or indirectly receives federal funding and is required to be fully accessible to all residents by the Rehabilitation Act of 1973, United States Code, title 29, section 774, and the Americans with Disabilities Act of 1990, United States Code, title 42, section 12101, et seq., and are eligible for and can obtain communication devices through federal provisions are not eligible to receive TAM services under this chapter.

Subp. 6. Notification of eligibility. Within 30 days of the receipt of the application and the necessary documentation the division shall notify the applicant in writing whether the applicant is found eligible and, if the applicant is denied, the reasons for denial.

Subp. 7. Determination of appropriate communication device. The division shall determine the appropriate communication device for a recipient.

STAT AUTH: MS s [237.51](#)

HIST: 14 SR 848; 19 SR 1666; L 2004 c 228 art 1 s 74

Current as of 08/26/04

8775.0400 COMMUNICATION DEVICES; INITIAL DISTRIBUTION PRIORITY.

Subpart 1. First priority: deaf and blind. The first in priority are those eligible, deaf and blind persons having special needs, experiencing economic hardship, or meeting the household criteria standards.

Subp. 2. Second priority: deaf. The second in priority are those eligible, deaf persons having special needs, experiencing economic hardship, or meeting the household criteria standards.

Subp. 2a. Third priority: speech and mobility impaired. The third in priority are those eligible speech- and mobility-impaired persons having special needs, experiencing economic hardship, or meeting the household criteria standards.

Subp. 3. Fourth priority: impaired speech. The fourth in priority are those eligible, speech-impaired persons having special needs, experiencing economic hardship, or meeting the household criteria standards.

Subp. 3a. Fifth priority: mobility impaired. The fifth in priority are those eligible, mobility-impaired persons having special needs, experiencing economic hardship, or meeting the household criteria standards.

Subp. 4. **Sixth priority: hard-of-hearing.** The sixth in priority are those eligible, hard-of-hearing persons having special needs, experiencing economic hardship, or meeting the household criteria standards.

Subp. 5. **Seventh priority: others without special needs.** The seventh in priority are those eligible, communication-impaired persons having no special needs, not experiencing economic hardship, and not meeting the household criteria standards.

Subp. 6. **Use of priority system.** Initially, the priority system must be used to determine the priority of eligible applicants for receiving telecommunication devices, for example, to establish a waiting list of eligible applicants. Only if allotted program money is insufficient to provide all eligible applicants with needed equipment may the priority system be used to determine which individuals will receive equipment.

STAT AUTH: MS s [237.51](#)

HIST: 14 SR 848; 19 SR 1666

Current as of 08/26/04

8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

Subpart 1. **Deaf.** A communication-impaired person who is deaf is eligible for a telecommunications device for the deaf (TDD) and a ring signaler.

Subp. 2. **Deaf and blind.** A communication-impaired person who is deaf and blind is eligible to receive a telecommunications device for the deaf (TDD) or braille device for use with the telephone system with auxiliary equipment approved by the board and necessary for efficient communication.

Subp. 3. **Two or more eligible persons.** If a household contains more than one eligible communication-impaired person with various communication impairments, the board or its designee may approve more than one telephone device as necessary for efficient communication.

Subp. 4. **Hard-of-hearing.** A communication-impaired person who is hard-of-hearing is eligible for a ring signaler and amplification device if more than one device is necessary for efficient communication.

Subp. 5. **Mobility impaired.** A communication-impaired person who is mobility impaired is eligible for a speakerphone or similar device with auxiliary equipment that the board or its designee deems necessary.

Subp. 6. **Speech and mobility impaired.** A communication-impaired person who is speech and mobility impaired is eligible for a speakerphone or similar device, or telecommunications device for the deaf (TDD) and any auxiliary equipment approved by the board.

STAT AUTH: MS s [237.51](#)

HIST: 14 SR 848; 19 SR 1666
Current as of 08/26/04

8775.0600 TRAINING AND MAINTENANCE.

The commissioner of human services shall maintain the communication devices until the warranty period expires at which time the board shall decide whether to repair or replace defective units. The commissioner shall provide training, without charge, to first-time users of the devices.

STAT AUTH: MS s [237.51](#)
HIST: 14 SR 848
Current as of 08/26/04

8775.0700 OWNERSHIP.

Communication devices distributed under this chapter are and must remain the property of the state of Minnesota.

STAT AUTH: MS s [237.51](#)
HIST: 14 SR 848
Current as of 08/26/04

8775.0800 APPEALS.

Subpart 1. **Aggrieved party.** An aggrieved party may appeal a decision of the division. An aggrieved party is an applicant:

- A. who is determined ineligible for TAM service under part [8775.0300](#), subpart 4;
- B. who disagrees with the division's determination regarding the appropriate communication device under part [8775.0300](#), subpart 6;
- C. who disagrees with the division's decision regarding priority for initial distribution of communication devices under part [8775.0400](#); or
- D. whose TAM service is terminated.

Subp. 2. **Procedure.** Requests for appeal must be made within 30 calendar days of receiving notice of adverse action or, for good cause shown, within 60 calendar days of receiving the notice. Requests for appeal can be made through written, telephone, or face-to-face contact with a designated representative of the regional service center for deaf and hard-of-hearing people.

Subp. 3. **Conciliation conference.** Within 30 calendar days of receiving a request for appeal, a representative of the regional service center for deaf and hard-of-hearing people shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within ten calendar days of the conciliation conference, the representative shall prepare a written summary

of the issues addressed at the conciliation conference and shall send a copy of the written summary to the aggrieved party and to the board.

Subp. 4. **Formal hearings.** If still dissatisfied after receiving a copy of the conciliation conference summary, the aggrieved party may request a hearing before the board by making written, telephone, or face-to-face contact with a designated representative of the regional service center for deaf and hard-of-hearing people. A hearing before the board must be scheduled within 90 days. At the hearing, the aggrieved party may introduce evidence relevant to the issues on appeal. An aggrieved party may be represented by legal counsel or a lay advocate at the hearing.

Subp. 5. **Service pending appeal.** Termination of TAM services must be stayed pending an appeal.

STAT AUTH: MS s [237.51](#)

HIST: 14 SR 848; 19 SR 1666; L 2004 c 228 art 1 s 74

Current as of 08/26/04

Appendix B

*Minnesota's 2006
Request for Proposals for TRS*

STATE OF MINNESOTA

REQUEST FOR PROPOSAL (RFP)

***TITLE: Telecommunications Relay Services -
Department of Commerce***

DUE DATE: November 18, 2005

TIME: 3:00 p.m. Central Time



**REQUEST FOR PROPOSAL
(RFP)**

TITLE: Telecommunications Relay Services – Department of Commerce

DUE DATE: November 18, 2005

TIME: 3:00 P.M. CENTRAL TIME, USA

PLACE: Department of Administration
Materials Management Division
50 Sherburne Avenue
112 Administration Building
St. Paul, MN 55155

CONTACT: Joan Breisler
Acquisition Management Specialist
joan.breisler@State.mn.us

PHONE: 651.201.2448

FAX: 651.297.3996

CONTRACT PERIOD: From July 1, 2006 through June 30, 2011, with the option to renew up to 60 months upon agreement of both parties.

Your response to this Request for Proposal must be returned sealed. Sealed responses must be received in the office of the Director of the Materials Management Division and time-stamped no later than the date and time specified above, at which time the names of the vendors responding to this RFP will be read. **Late responses** cannot be considered. The laws of Minn. Stat. Ch. 16C apply to this Request for Proposal.

In accordance with this Request for Proposal, and subject to all conditions thereof, the undersigned agrees that its response to this RFP, or any part thereof, is an irrevocable offer for 90 days following the submission deadline date unless stated otherwise in the RFP. It is understood and agreed that the response, or any part thereof, when accepted by the appropriate department and State officials in writing, may become part of a legal and binding Contract between the undersigned vendor and the State of Minnesota.

Name of Vendor: _____ **Vendor E-Mail:** _____

Address: _____

Phone: _____ **Fax:** _____ **Date:** _____

Authorized Signature: _____

Typed name of signer: _____ **Title:** _____

Signer must be authorized to contractually obligate the vendor.

Type or print clearly the name of the person who prepared the response: _____

OVERVIEW

This Request for Proposal (RFP) describes a relationship to be established between the State and a responder to provide Telecommunications Relay Services. The RFP also specifies contractual conditions and details the basis for the responses, the subsequent review, and the final selection process.

Detailed Contract obligations and measures of performance will be defined in the final negotiated Contracts. The RFP shall not be construed to limit the State's right to issue or not issue any Contract, to reject all proposals, or to negotiate with more than one responder. Specific rights are detailed elsewhere in this RFP.

Direct all correspondence and inquiries, legal questions, general issues, or technical issues regarding this RFP to:

Joan Breisler
Acquisition Management Specialist
Department of Administration
Materials Management Division
50 Sherburne Avenue
112 Administration Building
St. Paul, MN 55155

Fax: 651.297.3996
E-mail: joan.breisler@State.mn.us

SCHEDULE OF EVENTS

This section provides a tentative schedule of the critical project dates. Responders should carefully examine and make certain they have a clear understanding of the requirements of the specified project milestones and the associated dates.

<u>Event</u>	<u>Date Scheduled</u>
Issue of RFP	October 17, 2005
Cutoff Date for Questions	November 1, 2005, at 10:00 a.m.
Response Due Date	November 18, 2005

SUBMITTING QUESTIONS

The deadline for submitting questions is November 1, 2005, at 10:00 a.m. Questions must be submitted, via e-mail only, to the Acquisition Management Specialist listed above, and cc to: caeren.warner@State.mn.us. The subject line shall read: Telecommunications Relay Services Questions. All questions received by the cutoff date will be responded to via an addendum to all responders.

PROPOSAL PREPARATION

NOTE: Responses are to be prepared and presented in the same sequential order as the questions and requests for comments are presented in this document. Responses deviating from the request for proposal format and organization may be removed from further consideration. Responses are expected to provide a straightforward and concise description of the responder's ability to meet the requirements.

Submit one original and seven (7) copies of the response in written form. Note: The cost proposal shall be submitted in a separate envelope, with one "original" and seven (7) copies. The original copy of the response must be signed by an authorized member of the firm and marked "Original." Responses are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside.

Costs for developing a response to this RFP are entirely the responder's responsibility and shall not be chargeable to the State of Minnesota or to any agency thereof.

GENERAL TERMS, CONDITIONS AND INSTRUCTIONS

INTRODUCTION

This Request for Proposal does not commit the State to award any Contract or to pay any costs incurred by the vendors responding. The following terms set forth the minimum requirements of the State and may be included in the Contract entered into by the State and the Contract Vendor. Any materials submitted may be incorporated by reference in the final Contract.

All general proposal terms, specifications and special conditions form a part of this RFP and will apply to any Contracts entered into as a result thereof.

The State reserves the right to accept or reject any or all responses or parts of responses and to waive informalities therein.

All responses must be prepared as stated herein and properly signed. Address all correspondence and inquiries regarding this RFP to the Acquisition Management Specialist shown on page one. **THIS IS A REQUEST FOR PROPOSAL; NOT A PURCHASE ORDER.**

1. **ESTIMATED AMOUNT.** If there is an estimated total dollar value of the Contract listed in the Special Terms and Conditions, this shall not be construed as either the minimum or maximum amount. It shall also be understood and accepted by the responder that any quantities shown in this RFP are estimated quantities only and impose no obligation upon the State either minimum or maximum.

2. **PREPARATION OF RESPONSE**

- a. **ALTERATIONS.** Any alteration, particularly in the price used to determine the successful response, may be rejected unless the alteration is initialed by the person authorized to contractually obligate the responder. Proof of authorization shall be provided upon request. The use of **correction fluid or typewriter correction tape is considered an alteration.**
- b. An **AUTHORIZED SIGNATURE** is required. The response must be in the legal name of the firm or business and must be fully and properly executed and signed by an officer or other authorized representative who shall State his/her title. **ONE ORIGINAL** and seven (7) copies of the response are requested. The cost portion shall be submitted separately, with one original and seven (7) copies.

Proof of authority of the person signing the response shall be furnished upon request. If the responder is a corporation, a secretarial certificate of an excerpt of the corporate minutes showing that the signing officer has authority to contractually obligate the corporation shall be furnished. Where the corporation has designated an attorney-in-fact, the ordinary power of attorney should be furnished. If the responder is a partnership, a letter of authorization shall be furnished, signed by one of the general partners. If the responder is a proprietor, and the person signing the response is other than the owner, a letter of authorization signed by the owner shall be furnished.

- c. The **AFFIRMATIVE ACTION DATA PAGE** must be completed and returned with the response. All responders must be in compliance with Minn. Stat. § 363A.36, Subd. 1, as amended, pertaining to affirmative action certificates of compliance.
- d. The **TRADE SECRET INFORMATION FORM** should be filled out and returned with your response.
- e. The **AFFIDAVIT OF NONCOLLUSION** must be completed and returned with the response.
- f. The **SERVICE and DELIVERY** form should be completed and returned with the response.
- g. Applicable sections of the **CONTRACT SAVINGS AND USAGE REPORTS** should be completed and returned with the response.
- h. The **TAXPAYER IDENTIFICATION** form should be completed and returned with the response.

- i. When included, the **LOCATION OF SERVICE DISCLOSURE AND CERTIFICATION** form must be completed and returned with the response.
3. **COMPLETION OF RESPONSES.** A response may be rejected if it is conditional or incomplete. Responses that contain conflicting, false, or misleading statements or that provide references that contradict or do not support an attribute or condition stated by the responder, may be rejected.
4. **ACTING IN CASES OF DOUBTFUL RESPONSIBILITY.** If the Manager of Acquisitions, on the basis of available evidence, concludes that a particular responder appears to be insufficiently responsible to ensure adequate performance, the response may be rejected.
5. **NONRESPONSIVE RESPONSES.** Responses that do not comply with the provisions in the RFP may be considered nonresponsive and may be rejected.
6. **INDEMNIFICATION AND HOLD HARMLESS.** The Contract Vendor shall indemnify, protect, save and hold harmless the State, its representatives and employees from any and all claims or causes of action, including all legal fees incurred by the State arising from the performance of this Contract by the Contract Vendor or its agents, employees, or subcontractors. This clause shall not be construed to bar any legal remedies the Contract Vendor may have for the State's failure to fulfill its obligations pursuant to the Contract.
7. **LAWS AND REGULATIONS.** Any and all services, articles or equipment offered and furnished shall comply fully with all State and federal laws and regulations, including Minn. Stat. § 181.59 and Minn. Stat. Ch. 363 prohibiting discrimination.
8. **CANCELLATION OF THE CONTRACT.** The Contract may be cancelled by the State or the commissioner of Administration at any time, without cause, upon 30 days' written notice to the Contract Vendor. In the event the Contract Vendor is in default, the Contract is subject to immediate cancellation to the extent allowable by applicable law. In the event of cancellation, the Contract Vendor shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed and accepted.
9. **STATE AUDITS (Minn. Stat. § 16C.05, Subd. 5).** The books, records, documents, and accounting procedures and practices of the Contract Vendor and its employees, agents, or subcontractors relevant to the Contract or transaction must be made available and subject to examination by the contracting agency or its agents, the Legislative Auditor and/or the State Auditor for a minimum of six years after the end of the Contract or transaction.
10. **CONTRACT DOCUMENTS.** Contract documents, including the bond and insurance requirements in the RFP, are to be returned within 10 calendar days from receipt of the documents. Failure to comply may result in cancellation of the award.
11. **ADDENDA TO THE RFP.** Any addendum issued will become a part of the RFP. The State may modify or clarify the RFP by issuing one or more addenda to all parties who have received the RFP. Each responder must follow the directions on the addendum. Addenda will be numbered consecutively in the order they are issued.
12. **AWARD.** Unless otherwise provided for in the Special Terms, Conditions, and Specifications, the award of this solicitation will be based upon the total accumulated points as established in the RFP and where the State believes, at its sole discretion, that it will receive the best value. First consideration will be given to the responder with the highest total points. In the event that contract negotiations are unsuccessful, the responder with the next highest number of points will be selected for consideration. The final award decision will be made by the commissioner of Administration or designate. The Commissioner may accept or reject the recommendation of the evaluation team.
13. **ANTITRUST.** The Contract Vendor hereby assigns to the State of Minnesota any and all claims for overcharges as to goods and/or services provided in connection with the Contract resulting from antitrust violations which arise under the antitrust laws of the United States and the antitrust laws of the State.
14. **INSURANCE.** The successful responder will be required to provide a copy of a Certificate of Insurance, including the **workers' compensation insurance** coverage requirements of Minn. Stat. § 176.181, Subd. 2, as per the attached **CERTIFICATE OF INSURANCE**, prior to execution of the Contract.

15. **GOVERNMENT DATA PRACTICES ACT.** The Contract Vendor and the State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State to the Contract Vendor and all data provided to the State by the Contract Vendor. In addition, the Minnesota Government Data Practices Act applies to all data created, collected, received, stored, used, maintained, or disseminated by the Contract Vendor in accordance with this Contract that is private, nonpublic, protected nonpublic, or confidential as defined by the Minnesota Government Data Practices Act, Ch. 13.

In the event the Contract Vendor receives a request to release the data referred to in this article, the Contract Vendor must immediately notify the State. The State will give the Contract Vendor instructions concerning the release of the data to the requesting party before the data is released. The civil remedies of Minn. Stat. § 13.08, apply to the release of the data referred to in this article by either the Contract Vendor or the State.

The Contract Vendor agrees to indemnify, save, and hold the State of Minnesota, its agent and employees, harmless from all claims arising out of, resulting from, or in any manner attributable to any violation of any provision of the Minnesota Government Data Practices Act, including legal fees and disbursements paid or incurred to enforce this provision of the Contract. In the event that the Contract Vendor subcontracts any or all of the work to be performed under the Contract, the Contract Vendor shall retain responsibility under the terms of this paragraph for such work.

16. **DISPOSITION OF RESPONSES.** All materials submitted in response to this RFP will become property of the State and will become public record after the evaluation process is completed and an award decision made. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minn. Stat. § 13.37, the responder must:

- a. clearly mark all trade secret materials in its response at the time of the response is submitted,
- b. include a Statement with its response justifying the trade secret designation for each item, and
- c. defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to the RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State. The State is required to keep all the basic documents related to its contracts, including responses to RFPs, for a minimum of seven years.

The State will not consider the prices submitted by the responder to be trade secret materials.

17. **RIGHTS RESERVED.** Notwithstanding anything to the contrary, the State reserves the right to:

- a. Reject any and all responses received;
- b. Select, for contracts or for negotiations, a response other than that with the lowest cost;
- c. Waive or modify any informalities, irregularities, or inconsistencies in the responses received;
- d. Negotiate any aspect of the proposal with any responder and negotiate with more than one responder;
- e. Request a BEST and FINAL OFFER, if the State deems it necessary and desirable; and
- f. Terminate negotiations and select the next response providing the best value for the State, prepare and release a new RFP, or take such other action as the State deems appropriate if negotiations fail to result in a successful Contract.

18. **PAYMENT.** Minn. Stat. § 16A.124 requires payment within 30 days following receipt of an undisputed invoice, merchandise or service, whichever is later. Terms requesting payment in less than 30 days will be changed to read "Net 30 days." The ordering entity is not required to pay the Contract Vendor for any goods and/or services provided without a written purchase order or other approved ordering document from the appropriate purchasing entity. In addition, all goods and/or services provided must meet all terms, conditions and specifications of the Contract and the ordering document and be accepted as satisfactory by the ordering entity before payment will be issued.

19. **TAXES.** State agencies are subject to paying Minnesota sales and use taxes. DO NOT add sales tax to the pricing for services being offered. To the extent applicable, taxes for services will be paid by the Department of Commerce to the Department of Revenue using Direct Pay Permit #1114. The Contract Vendor will be responsible for sales and use taxes on all taxable purchases needed to provide this service.
20. **PURCHASING CARDS.** Not applicable.
21. **PRICES.** Prices shall remain firm for the life of the Contract unless escalation is allowed in the Special Terms and Conditions. A unit price and a total for the quantity must be stated for each item quoted. In case of an error in the total price, the unit price will prevail. Prices must be quoted in United States currency.
- a. **TRANSPORTATION.** All prices shall be FOB Destination, prepaid and allowed (with freight included in the price), to the ordering agency's receiving dock or warehouse unless otherwise stated in the Special Terms and Conditions. Price reductions must be passed on immediately to the State whenever they become effective. In those situations in which the "deliver-to" address has no receiving dock or agents, the Contract Vendor must be able to deliver to the person specified on the PO.
- b. **PRICE DECREASES.** During the life of the Contract, any or all temporary price reductions, promotional price offers, introductory pricing, or any other offers or promotions that provide prices lower than or discounts higher than those stated in the Contract, must be given immediately to the entities eligible to purchase from the Contract. Invoices for goods ordered or shipped or services performed during the decrease, or promotion, must immediately reflect such pricing.
22. **EFFECTIVE DATE.** Pursuant to Minnesota law, the Contract arising from this RFP shall be effective upon the date of final execution by the State, unless a later date is specified in the Contract.
23. **RISK OF LOSS OR DAMAGE.** The State shall be relieved of all risks of loss or damage to the goods and/or equipment during periods of transportation, installation, and during the entire time the goods and/or equipment are in possession of the State, unless and until such time as unencumbered title is vested in the State and the goods and/or equipment are in exclusive possession of the State.
24. **GOVERNING LAW.** The RFP and the Contract shall be construed in accordance with and its performance governed by the laws of the State of Minnesota. Except to the extent that the provisions of the Contract are clearly inconsistent therewith, the Contract shall be governed by the Uniform Commercial Code (UCC) as adopted by the State. To the extent the Contract entails delivery or performance of services, such services shall be deemed "goods" within the meaning of the UCC, except when to so deem such services as "goods" is unreasonable.
25. **JURISDICTION AND VENUE.** This RFP and any ensuing Contract, its amendments and supplements thereto, shall be governed by the laws of the State of Minnesota, USA. Venue for all legal proceedings arising out of the Contract, or breach thereof, shall be in the State or federal court with competent jurisdiction in Ramsey County, Minnesota.
26. **REQUEST FOR CLARIFICATION.** If a responder discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in the RFP, the responder shall immediately notify the Acquisition Management Specialist in writing, as specified in the introduction, of such error and request modification or clarification of the document.
27. **CONFLICT OF TERMS.** In the event of any conflict between the General Terms, Conditions and Instructions and any Special Terms and Conditions of the RFP, the Special Terms and Conditions shall govern.
28. **DISPUTE RESOLUTION PROCEDURES.** Any issue a responder has with the RFP document, which includes, but is not limited to, the terms, conditions, and specifications, must be submitted in writing to the AMS prior to the bid opening due date and time. Any issue a responder has with the Contract award must be submitted in writing to the AMS within five working days from the time the Contract award is made public. The State will respond to any protest received that follows the above procedure.

29. **FORCE MAJEURE.** Neither party hereto shall be considered in default in the performance of its obligations hereunder to the extent that performance of any such obligations is prevented or delayed by acts of God, war, riot or other catastrophes beyond the reasonable control of the party unless the act or occurrence could have been reasonably foreseen and reasonable action could have been taken to prevent the delay or failure to perform. A party defaulting under this provision must provide the other party prompt written notice of the default and take all necessary steps to bring about performance as soon as practicable.
30. **DEFAULT.** A State purchase order constitutes a binding Contract. All commodities furnished will be subject to inspection and acceptance by the ordering entity after delivery. No substitutions or cancellations are permitted without written approval of the State contracting agency. Back orders, failure to meet delivery requirements, or failures to meet specifications in the purchase order and/or the Contract authorizes the ordering entity to cancel the Contract or purchase order, or any portion of it, purchase elsewhere, and charge the full increase in cost and administrative handling to the defaulting Contract Vendor. In the event of default, the State reserves the right to pursue any other remedy available by law. A Contract Vendor may be removed from the vendors list, suspended or debarred from receiving a contract for failure to comply with terms and conditions of the Contract, or for failure to pay the State for the cost incurred on the defaulted Contract.
31. **JOINT VENTURE AND SUBCONTRACTING.** The State does not preclude joint ventures or subcontracting among groups of vendors when responding to the RFP. However, one representative must submit a response on behalf of all the others in the group. Proof of who is legally responsible for the response (and the Contract, if awarded) among the members of the group must accompany the response.

After the effective date of the Contract, the Contract Vendor shall not, without prior written approval of the State, subcontract for the performance of any of the Contract Vendor's obligations. The provisions of the Contract shall apply with equal force and effect to all subcontractors engaged by the Contract Vendor and approved by the State. Notwithstanding approval by the State, no subcontract shall serve to terminate or in any way affect the primary legal responsibility of the Contract Vendor for timely and satisfactory performance of the obligations contemplated by the Contract.

32. **PUBLICITY.** Any publicity given to the program, publications or services provided resulting from a State contract for goods or services, including but not limited to notices, informational pamphlets, press releases, research, reports, signs and similar public notices prepared by or for the Contract Vendor, or its employees individually or jointly with others, or any subcontractors, shall identify the State as the sponsoring agency and shall not be released, unless such release is a specific part of an approved work plan included in the Contract prior to its approval by the Materials Management Division Acquisition Management Specialist and the Department of Administration Communications Office.

The Contract Vendor shall make no representations of the State's opinion or position as to the quality or effectiveness of the products and/or services that are the subject of this Contract without the prior written consent of the Department of Administration. Representations include any publicity, including but not limited to advertisements, notices, press releases, reports, signs, and similar public notices.

All publicity (visual and verbal) shall refer to the service as "Minnesota Relay", shall use the State approved Minnesota Relay logo, and shall indicate that the TAM program within the Minnesota Department of Commerce is the provider of Minnesota Relay.

The Contract Vendor's name or logo may appear in publicity, but must be in a smaller font or a less dominant verbal tone, and must identify the Contract Vendor as the organization under Contract for the operation of Minnesota Relay.

33. **NOTICES.** If one party is required to give notice to the other under the Contract, such notice shall be in writing and shall be effective upon receipt. Delivery may be by certified United States mail or by hand, in which case a signed receipt shall be obtained. A facsimile transmission shall constitute sufficient notice, provided the receipt of the transmission is confirmed by the receiving party. Either party must notify the other of a change in address for notification purposes. All notices to the State shall be addressed as follows:

Joan Breisler
Acquisition Management Specialist
50 Sherburne Avenue
112 Administration Bldg.
St. Paul, MN 55155

Fax: 651.297.3996

34. **STATE AGENCY CONTRACT USE.** The State intends to use this RFP and resulting Contract to meet its needs for goods and services purchased under the authority of the commissioner of Administration. An exception will be made when the commissioner of Administration or authorized delegate determines that the State will achieve its "best value" by utilizing alternative procurement methods as specified in Minn. Stat. Ch. 16C or other authorizing law.

The Contract must be used by State agencies unless a specific exception is granted by the Acquisition Management Specialist or authorized delegate unless otherwise provided for in the Special Terms and Conditions.

35. **MATERIAL DEVIATION.** A responder shall be presumed to be in agreement with these terms and conditions unless it takes specific exception to one or more of the conditions. Submission by the responder of its proposed language shall not be viewed as an exception unless the responder specifically states in the response that its proposed changes are intended to supersede the State's terms and conditions.

RESPONDERS ARE CAUTIONED THAT BY TAKING ANY EXCEPTION THEY MAY BE MATERIALLY DEVIATING FROM THE REQUEST FOR PROPOSAL. IF A RESPONDER MATERIALLY DEVIATES FROM THE GENERAL TERMS, CONDITIONS AND INSTRUCTIONS OR THE SPECIAL TERMS AND CONDITIONS AND/OR SPECIFICATIONS, ITS RESPONSE MAY BE REJECTED.

A material deviation is an exception to the Request for Proposal general or special terms and conditions and/or specifications that:

- a. Gives the responder taking the exception a competitive advantage over other vendors, or
- b. Gives the State something significantly different from that which the State requested.

36. **OWNERSHIP**

- a. **Ownership of Documents/Copyright.** Any reports, studies, photographs, negatives, databases, computer programs, or other documents, whether in tangible or electronic forms, prepared by the Contract Vendor in the performance of its obligations under the Contract and paid for by the State shall be the exclusive property of the State and all such material shall be remitted to the State by the Contract Vendor upon completion, termination or cancellation of the Contract. The Contract Vendor shall not use, willingly allow or cause to allow such material to be used for any purpose other than performance of the Contract Vendor's obligations under this Contract without the prior written consent of the State.
- b. **Rights, Title and Interest.** All rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trade marks, and service marks in the said documents that the Contract Vendor conceives or originates, either individually or jointly with others, which arises out of the performance of the Contract, will be the property of the State and are, by the Contract, assigned to the State along with ownership of any and all copyrights in the copyrightable material. The Contract Vendor also agrees, upon the request of the State, to execute all papers and perform all other acts necessary to assist the State to obtain and register copyrights on such materials. Where applicable, works of authorship created by the Contract Vendor for the State in performance of the Contract shall be considered "works for hire" as defined in the U.S. Copyright Act.

37. **PURCHASE ORDERS.** The State requires that there will be no minimum order requirements or charges to process an individual purchase order unless otherwise stated in the special terms. The Contract number and the PO number must appear on all documents (e.g., invoices, packing slips, etc.).

38. **AMENDMENT(S).** At any time the State may make changes within the general scope of the Contract by issuing a written Contract amendment duly executed by an authorized representative of the State and the Contract Vendor. If any such change causes an increase or decrease in the time required for the performance of any part of the work under the Contract, an adjustment shall be made in the Contract delivery schedule and cost, and the Contract Vendor shall be notified in writing accordingly. Any claim by the Contract Vendor for adjustment under this clause must be asserted within 30 days from the date of receipt of the notification of change. Either party may propose adjustments. If the Contract Vendor seeks an adjustment, it must request such adjustment in writing.